

~~Report of the General Accounting Office~~  
~~Accounting for the Drug Enforcement Administration~~  
~~by the General Accounting Office~~

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BY THE U.S. GENERAL ACCOUNTING OFFICE

**Report To The Honorable Joseph R. Biden, Jr.  
United States Senate**

123700

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**Investigations Of Major Drug  
Trafficking Organizations**

The enormous profits realized in drug trafficking are making this illegal business a continuing problem despite longstanding efforts to overcome it. Drug offenders range from individuals working independently to those in charge of major organized trafficking networks. The Drug Enforcement Administration, the primary federal agency responsible for destroying major drug organizations by immobilizing leaders in these enterprises, has been joined in its efforts by the FBI and 12 regional task forces.

Although DEA has made some headway, its classification system, which categorizes drug violators into four classes, is too broad to determine how much of its investigative effort is directed at the highest echelons of the drug traffic. To better assess results, GAO recommends that DEA revise its classification system to provide a separate category for drug organizational leaders.



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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT  
DIVISION

B-213372

The Honorable Joseph R. Biden, Jr.  
United States Senate

Dear Senator Biden:

As you requested, we reviewed the Drug Enforcement Administration's (DEA) efforts to immobilize high-level drug traffickers. The report assesses DEA's Violator Classification System, describes targeting methods and investigative techniques to immobilize major drug violators and their organizations, and discusses the need for a system to better measure these efforts.

The development of this report took longer than originally anticipated because the Department of Justice and DEA denied us access to all information relating to active cases and inactive cases pending trial, appeals, administrative actions or involving fugitives. It took approximately 1 year to reach an agreement with DEA outlining a more workable access procedure.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of the report. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

*W. J. Anderson*

William J. Anderson  
Director



GENERAL ACCOUNTING OFFICE  
REPORT TO THE HONORABLE  
JOSEPH R. BIDEN, JR.  
UNITED STATES SENATE

INVESTIGATIONS OF MAJOR  
DRUG TRAFFICKING  
ORGANIZATIONS

D I G E S T

Drug abuse and trafficking still flourish despite longstanding efforts to overcome the problem. The retail value of illegal drugs sold in the United States is estimated to be \$80 billion annually.

Federal programs for drug education, treatment, and rehabilitation have concentrated on reducing the demand for drugs while federal law enforcement efforts have concentrated on reducing the supply of drugs. Supply reduction programs are aimed at eradicating drugs at their sources (primarily foreign countries), interdicting drugs at the Nation's borders; and immobilizing domestic drug traffickers and their organizations.

This report, prepared at the request of Senator Joseph R. Biden, Jr., discusses the last of these supply reduction approaches. GAO was asked to assess Drug Enforcement Administration (DEA) efforts to immobilize major drug traffickers and their organizations, including the methods DEA uses in investigations of high-level traffickers. The report discusses these efforts and also includes detailed information about the investigations that can serve as baseline data for future evaluations in this area.

FEDERAL STRATEGY FOR COMBATTING  
DOMESTIC DRUG TRAFFICKERS

The Drug Abuse Office and Treatment Act of 1972 established a Strategy Council on Drug Abuse. The council consists of representatives from the White House Drug Abuse Policy Office, the Departments of Justice, State, Defense, Treasury, and eight other departments and independent agencies. The Council's

central theme for domestic law enforcement is that scarce federal resources must be directed primarily toward the destruction of criminal organizations responsible for supplying drugs in the United States. To do this, persons functioning at the highest levels of trafficking enterprises must be detected and immobilized. (See p. 4.)

Since 1973, DEA has been the primary federal agency responsible for implementing the federal domestic drug law enforcement strategy. DEA has adopted various techniques for focusing its investigative efforts at the highest echelons of drug trafficking organizations. A mainstay of DEA's efforts has been its Geographic-Drug Enforcement Program. Basically, this program is a code classification system which categorizes drug violators into four classes--from class I, representing the highest level traffickers, to class IV, representing the lowest level traffickers. DEA considers this classification system an effective management tool for targeting its enforcement resources. (See pp. 4 and 5.)

#### PROGRESS MADE COMBATTING MAJOR TRAFFICKERS

Federal law enforcement efforts aimed at immobilizing major drug traffickers and their organizations have improved. For example, from fiscal year 1979 through fiscal year 1982, total arrests of drug traffickers increased 18 percent but arrests of major traffickers (class I violators) increased 33 percent. Also during fiscal years 1981 and 1982, a total of 81 indictments (involving 138 defendants) were secured under the Continuing Criminal Enterprise statute (21 U.S.C. 848), a statute directed specifically at major traffickers and the forfeiture of their assets, compared to 85 indictments for the preceding 10 fiscal years. (See pp. 7 to 10.)

GAO interviewed a sample of DEA agents who had investigated class I violators since 1979 to get their opinions on whether their districts were performing a better job in arresting major drug traffickers. About 57 percent of the agents interviewed said that in 1982 DEA was successful to a substantial or very great degree in arresting major drug traffickers

compared to only 34 percent who held that opinion of DEA's effort 3 years earlier. (See p. 10.)

The impact of DEA's efforts against major traffickers is difficult to gauge. If drug availability were the sole measure, indications would be that efforts have not had much impact. The then Acting Administrator of DEA, testifying before a congressional committee in May 1983, said that the drug abuse levels remain unacceptably high, and national trends indicate that the availability of major illegal drugs will be abundant at least for the next few years. (See pp. 14 and 15.)

However, even though illegal drugs remain readily available, domestic law enforcement along with the judicial branch can make further progress in achieving the goal of dismantling drug organizations by (1) increasing the number of major traffickers incarcerated for extended periods of time, and (2) increasing the amounts of assets removed from criminal organizations. (See p. 15.)

To further improve its attack on drug trafficking, DEA is increasing the use of techniques proven most successful in investigations of major violators. The use of informants has been a mainstay of drug investigations. Also, according to DEA, more use is to be made of electronic surveillance, the analysis of financial data, and intelligence units. (See pp. 25 to 29.)

In 1982, the FBI was given concurrent jurisdiction with DEA for drug investigations. The FBI now has over 1,400 cases in progress that it is working independently or jointly with DEA. In addition, in 1983, 12 new Organized Crime Drug Enforcement Task Forces were established around the country to concentrate and coordinate more agent resources from among five federal agencies against major drug traffickers. According to a Justice Department official, these Task Forces have initiated 425 cases against individuals who organize, direct, finance, or otherwise engage in high level illegal drug trafficking enterprises. As of November 16, 1983, 194 defendants had been convicted in Task Force cases. (See pp. 11 to 13.)

CRITERIA FOR CLASSIFYING  
MAJOR TRAFFICKERS VERY  
BROAD

The federal strategy for drug law enforcement, as noted previously, states that federal efforts should be directed toward destroying drug enterprises by immobilizing traffickers at the highest echelons. However, DEA's criteria for classifying major (class I) violators are too broad to gauge the success of DEA's investigative efforts directed at these traffickers. For a trafficker to be convicted under the Continuing Criminal Enterprise statute, the trafficker must be a person who occupies a position of authority over five or more people from which a substantial income is derived as part of a series of violations. (See pp. 17 to 20.)

Although major drug organizations are the mainstay of illegal trafficking, only one of the six criteria used to classify a person as a class I violator specifically applies to the head of an organization. A violator filling any of the other five positions--laboratory operator, financier, key conspirator, registrant, and source of supply--could be acting alone. Persons occupying these positions can play a significant role in the drug trade. However, only one position--head of a criminal organization--would always be in the highest echelon of a drug organization. (See pp. 20 and 21.)

Because of these broad criteria, traffickers within the class I category often are not operating at the highest echelon of a drug organization. In the 50 best class I cases--cases selected by DEA as representing their best efforts against major traffickers--closed in fiscal years 1980 through 1982 at the New York, Los Angeles, and San Diego DEA districts, there were 149 violators whose positions in the drug trade were noted in the case files. Of these, 80 (54 percent) were designated as heads of organizations. Of the remaining 247 class I cases closed in fiscal years 1980 and 1981 at these three districts, there were 198 class I violators whose positions in the drug trade were noted in case files. Of these, 87 (44 percent) were designated as heads of organizations. The records



did not indicate how many of the violators, other than those designated heads of organizations, could be regarded as high-echelon persons. (See pp. 18 to 20.)

#### CONCLUSIONS

The extent to which investigative efforts are focussed on major drug organizations could be better measured if the drug violator classification system were to provide a separate category for persons functioning at the top echelons of these organizations. Specifically, those persons should be managing criminal enterprises involving at least five suspects, the minimum number needed for a continuing criminal enterprise indictment. A separate category would provide the Administration and the Congress with a better measure of DEA's efforts against major organizations and an indication as to whether that effort should be changed. (See p. 22.)

#### RECOMMENDATION

The Attorney General, to better assess the results of federal efforts aimed at destroying drug enterprises by immobilizing persons in the highest echelons of these organizations, should direct the Administrator of DEA to revise the drug violator classification system to provide a separate category for persons managing continuing criminal enterprises. (See p. 23.)

#### AGENCY COMMENTS

The Department of Justice, commenting on the report (see app. VII), said GAO's recommendation was a good one. Justice said the DEA system for classifying drug offenders would be revised to provide a separate category for persons managing continuing criminal enterprises. (See p. 23.)

Justice also commented that the improvement DEA made in combatting major drug traffickers was aided in no small measure by the overall efforts of the U.S. attorneys. Similarly, the cooperative efforts of the Internal Revenue Service and the U.S. Customs Service played a part in the success of DEA. (See p. 15.)



# C o n t e n t s

		<u>Page</u>
DIGEST		i
CHAPTER		
1	STRATEGY FOR DRUG INVESTIGATIONS	1
	Drug trafficking in the United States reaches great heights	1
	Most illicit drugs come from foreign countries	2
	Drug trafficking attracts people from all walks of life	3
	Federal strategy and criteria for combatting domestic drug traffickers	4
	Objectives, scope, and methodology	5
2	PROGRESS MADE IN COMBATTING MAJOR TRAFFICKERS	7
	More major trafficker suspects being arrested and sentenced	7
	The law specifically designed to punish major traffickers is being used more	8
	DEA agents perceive increased successes against major traffickers	10
	New initiatives bolster attack on major drug traffickers by increasing resources and coordination	11
	Impact against major traffickers difficult to measure	14
	Conclusions	15
	Agency comments	15
3	DEA CAN BETTER MEASURE ITS INVESTIGATIVE EFFORTS ON MAJOR TRAFFICKING ORGANIZATIONS	17
	Criteria for classifying suspects as major traffickers is very broad	17
	A separate classification for persons managing continuing criminal enterprises would better indicate the focus of investigations	20
	Number of violators in class I category may be overstated	21
	Conclusions	22
	Recommendation	23
	Agency comments	23
4	IMMOBILIZING MAJOR TRAFFICKERS REQUIRES SOPHISTICATED TECHNIQUES	24
	"Buy bust" approach used less often	24

Use of electronic surveillance increasing	25
Use of financial investigations increasing	27
Informants still the key to drug investigations	28
More intelligence resources to be used in investigations	29
DEA's approach to targeting major traffickers	30
Conclusions	31

## APPENDIX

I	Letter dated May 18, 1981, from Senator Joseph R. Biden, Jr., to the Acting Comptroller General	32
II	Objectives, scope, and methodology	33
III	Summary of interviews conducted with 85 agents in the three district offices regarding DEA activities in 1979 and in 1982	36
IV	Data analysis for the 50 DEA selected class I cases	39
V	Data analysis for the 247 nonselected class I cases	45
VI	Domestic drug violator classification standards and criteria	55
VII	Letter dated February 2, 1984, from the Assistant Attorney General for Administration, Department of Justice	57

## ABBREVIATIONS

CCE	Continuing Criminal Enterprise
DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
G-DEP	Geographic-Drug Enforcement Program
NNICC	National Narcotics Intelligence Consumers Committee

## CHAPTER 1

### STRATEGY FOR DRUG INVESTIGATIONS

Drug abuse and trafficking remains a continuing problem for the nation. Despite longstanding efforts to overcome the problem, the retail value of illegal drugs sold in the United States is estimated to be \$80 billion annually. To counter the increasing use of drugs, federal efforts have focussed on both the social and legal consequences of drug trafficking. Federal programs for drug education, treatment, and rehabilitation have concentrated on reducing the demand for drugs while federal law enforcement efforts have concentrated on reducing the supply of drugs. Supply reduction programs are aimed at eradicating drugs and supply operations at their source (primarily foreign countries), interdicting drugs at the Nation's borders, and immobilizing domestic drug traffickers and their organizations. This report discusses the latter of these supply reduction approaches.

The Drug Enforcement Administration (DEA) has been the principal federal agency responsible for domestic drug law enforcement investigations since 1973. The Attorney General assigned to the Federal Bureau of Investigation (FBI) concurrent jurisdiction for drug investigations in 1981. Over the years, DEA's goal has been to implement the federal strategy of focussing limited investigative resources primarily on the destruction of major drug organizations by immobilizing the traffickers who manage these networks and organizations.

Senator Joseph R. Biden, Jr., who has a longstanding interest in the effectiveness of drug enforcement efforts, asked us to evaluate DEA's efforts to attack high-level drug traffickers (see app. I). This report discusses DEA's activities directed toward this goal. Also, the report includes detailed information about the investigations of major traffickers (see app. IV and V) which can be used as baseline data for future evaluations.

### DRUG TRAFFICKING IN THE UNITED STATES REACHES GREAT HEIGHTS

Illicit drug trafficking is an unstable business, and the amount of drugs and money involved has reached new heights in the United States. The National Narcotics Intelligence Consumers Committee (NNICC) which coordinates federal-level narcotics intelligence estimated that illegal drugs--cocaine, marijuana, heroin, and dangerous drugs<sup>1</sup>--generates \$80 billion

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<sup>1</sup>Dangerous drugs are those drugs manufactured legally and illegally, such as tranquilizers, barbiturates, and amphetamines, that are used for nonmedical purposes.

in retail sales in the United States.<sup>2</sup> Illicit drug trafficking is big business, and it is growing. NNICC estimated that in 1980 illegal drugs retail sales were about 65 percent higher than in 1977. According to the Department of Justice, if drug trafficking were controlled by a single company, it would rank second on the 1982 Fortune 500 list of the largest U.S. industrial corporations.

Drug use has become ingrained in our society and the demand for illegal drugs will not easily be reduced. With society's changing attitudes toward illegal drugs, such as cocaine and marijuana, millions of Americans have experimented with drug use. For example, the National Institute on Drug Abuse reported in 1982 that 33 percent of Americans age 12 and older have used marijuana, hallucinogens, cocaine, or heroin. According to the Institute, the increase in cocaine use has been particularly dramatic, doubling among those over 26 years of age in the 3-year period from 1979 to 1982. This high level of demand for illegal drugs helps to sustain drug trafficking at the \$80 billion level.

#### MOST ILLICIT DRUGS COME FROM FOREIGN COUNTRIES

Most of the illicit drugs consumed in this country, with the exception of a portion of the dangerous drugs and a growing volume of marijuana, are imported from foreign countries. These drugs are produced in developing countries, often in very remote areas where governmental controls are almost nonexistent. The problem is compounded by foreign governments that permit the licit cultivation of certain plants--the coca plant and opium poppies for traditional domestic use and for producing and exporting these drugs for legitimate medical purposes.

Major drug organizations that reside in foreign countries have generally been impenetrable by conventional law enforcement techniques and often freely transport drugs under the eyes of foreign officials. Virtually all of the cocaine and heroin used domestically is produced outside the United States. Most of the heroin consumed in the United States is imported from southwest Asia--60 percent from Pakistan, Iran, and Afghanistan, followed by 25 percent from Mexico and 15 percent from the "Golden Triangle" of Burma, Thailand, and Laos. Traffickers smuggle most of the cocaine into the United States from South America--70 percent coming from Columbia, with the remainder coming mostly from Peru and Bolivia.

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<sup>2</sup>NNICC estimates are based on intelligence input from 10 member agencies, including DEA, FBI, and the Institute of Drug Abuse. The \$80 billion in retail sales estimate is the latest NNICC data available.

Most of the marijuana smuggled into the United States comes from South and Central America, with approximately 51 percent smuggled from Colombia. Other marijuana source countries are Mexico and Jamaica, but DEA now estimates that 21 percent of the marijuana consumed in the United States is grown domestically.

DRUG TRAFFICKING ATTRACTS  
PEOPLE FROM ALL WALKS OF  
LIFE

The enormous profits available through drug trafficking attract a wide spectrum of individuals. Drug dealers range from individuals working independently to major organized crime syndicate leaders who oversee expansive drug trafficking networks.

Drug traffickers earn millions of dollars in profits during short periods of time. The following examples show the vast amounts of money which can be realized from illicit drug trafficking:

- DEA agents seized records of money laundered by a Los Angeles faction of a nationwide drug organization which showed that the Los Angeles faction grossed \$73 million during a 7-month period.
- Another DEA case involved a major drug ring which allegedly netted \$55 million over a 5-year period.

Large drug networks are organized with a distinct hierarchical structure similar to some business corporations. For example, drug networks may be controlled at the top by so-called "king pins" who negotiate transactions with other drug organizations. Within the networks, middle managers oversee operations on behalf of the king pins, couriers transport drugs within and between the United States and foreign countries, and wholesalers distribute the drugs to street dealers who, in turn, supply the users.

Then there are the individuals who retain the appearance of respectability while helping with or trafficking in illicit drugs. These include

- doctors and pharmacists (registrants) who illegally dispense prescriptions drugs;
- bank employees who provide money laundering services to narcotics traffickers in order to conceal huge profits;
- airline employees who divert drug couriers' baggage in order to avoid U.S. Customs detection;

- university professors who use school laboratories to produce dangerous drugs (i.e., LSD, PCP);
- law enforcement personnel who protect drug shipments and accept bribes from drug violators; and
- government officials who solicit and accept bribes from narcotics traffickers and, in some instances, become directly involved in importing drugs into the United States.

As can be seen, the type of persons involved in drug trafficking cuts across all classes in our society.

FEDERAL STRATEGY AND CRITERIA  
FOR COMBATTING DOMESTIC  
DRUG TRAFFICKERS

The Drug Abuse Office and Treatment Act of 1972 established a Strategy Council on Drug Abuse to develop a federal strategy for drug abuse prevention and drug trafficking control by the federal government. The council consists of representatives from the White House Drug Abuse Policy Office, the Departments of Justice, State, Defense, Treasury, and eight other departments and independent agencies. The Council's central theme for domestic law enforcement is that scarce federal resources must be directed primarily toward the destruction of major drug trafficking organizations by immobilizing persons functioning at the highest levels of these enterprises.

DEA's focus on major  
drug traffickers

Since 1973, DEA has been the primary federal agency responsible for implementing the federal domestic drug enforcement strategy. DEA has adopted various techniques for focussing its efforts on investigations of major drug traffickers. Since 1973, a mainstay of DEA's enforcement efforts against major drug traffickers has been the Geographic-Drug Enforcement Program (G-DEP). Basically, G-DEP is a code classification system which categorizes drug violators into four classes--from class I representing upper level traffickers to class IV representing the lowest level traffickers (see app. VI). These classifications are based on quantitative criteria--the amounts of drugs involved--and qualitative criteria--the violator's position within the drug trafficking network. The G-DEP code also includes identifiers for the type of drug involved, the violators' geographical locations, the type of case, and the type of investigation. DEA considers this classification system an effective tool for management to use in deciding where to target enforcement resources.



The G-DEP definition of conditions that must be met before a trafficker can be considered as the head of a criminal organization--one of six positions a trafficker must occupy before he/she can be classified as a Class I suspect--requires that a person be engaged in a criminal enterprise and occupies the highest position of organizer, supervisor, or manager, in concert with five or more persons in a drug organization which has significant impact on the availability and distribution of controlled substances and from which the person obtains substantial income.

To increase its focus on major traffickers, DEA revised the G-DEP criteria in 1976. The 1976 revision increased the quantities of drugs that must be involved for each of the top three investigative levels and added a 1-month time frame during which these qualifying quantities must be trafficked.

Also, in 1978 DEA began to stress the importance of immobilizing drug organizations by removing their financial resources. This position was incorporated into DEA's 1979 enforcement priorities in which DEA emphasized the need for a specific attack against traffickers' financial resources. DEA recognized that incarceration of the highest level violators alone was not substantially disruptive to many drug trafficking organizations and that an attack against their acquired assets was necessary.

#### OBJECTIVES, SCOPE, AND METHODOLOGY

This report discusses DEA's efforts directed toward immobilizing major drug traffickers and their organizations in accordance with the request made by Senator Joseph R. Biden, Jr., on May 18, 1981. The primary objectives in this review were to determine:

- How DEA determines who the highest level drug traffickers are, and whether DEA is focussing on them.
- What investigative methods DEA is using in high-level investigations, and how successful has DEA been in immobilizing major traffickers with these techniques.

We conducted our review at DEA Headquarters in Washington, D.C., and field offices in New York, Los Angeles, and San Diego. We devised a standardized data collection instrument with which we obtained the observations of 85 DEA case agents comparing DEA's operations in 1979 and 1982. We also conducted a detailed analysis of 297 cases closed in fiscal years 1980 through 1982 and classified by DEA as class I cases. Included in these cases were 50 that the three districts hand-picked as their most significant cases against top level traffickers. We

also discussed DEA's effort against major traffickers with DEA management officials and U.S. attorneys in the three locations visited. (See app. II for detailed information on our objectives, scope, and methodology.)

This review was performed in accordance with generally accepted government auditing standards.

This assignment was delayed for approximately 1 year because of problems we experienced in obtaining critical information, documents, and files from DEA. This matter was resolved through an agreement with Department of Justice and DEA officials on procedures providing sufficient access to implement the review. (See app. II p. 34 for additional information on the access problem.)

CHAPTER 2  
PROGRESS MADE IN  
COMBATTING MAJOR TRAFFICKERS

The federal law enforcement effort aimed at immobilizing major drug traffickers and their organizations has shown improvement. For example, from fiscal year 1979 through fiscal year 1982 total arrests of drug traffickers had increased 18 percent but arrests of major traffickers<sup>1</sup> had increased 33 percent. Also, during fiscal years 1981 and 1982, a total of 81 indictments (involving 138 defendants) were made under the Continuing Criminal Enterprise statute (21 U.S.C. 848), a statute directed specifically at major traffickers and their assets, compared to 85 indictments for the preceding 10 fiscal years. Further, about 57 percent of the DEA agents we interviewed said that in 1982 DEA was successful to a substantial or very great degree in arresting major drug traffickers. Only 34 percent held that opinion of DEA's effort 3 years earlier.

New initiatives are underway to further bolster the attack on major drug traffickers. The FBI has been given concurrent jurisdiction for drug investigations; 12 new Organized Crime Drug Enforcement Task Forces have been established; and legislative proposals have been introduced to strengthen the federal laws on drug trafficking.

MORE MAJOR TRAFFICKER SUSPECTS  
BEING ARRESTED AND SENTENCED

From fiscal year 1979 to fiscal year 1982, DEA's arrests of all class I suspects increased by 33 percent while total arrests for all classes, during the same period increased 18 percent. Below are the arrest statistics by class of suspect for fiscal years 1979 and 1982.

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<sup>1</sup>As noted in chapter 1, DEA divides drug violators into four classes on the basis of certain criteria. Class I is considered the highest level of violator. See appendix VI for a more detailed explanation of DEA's violator classification system.

Arrests By Fiscal Year

<u>Class levels</u>	<u>1979</u>	<u>1982</u>	<u>Percent increase (decrease)</u>
I	1,005	1,340	33
II	588	782	33
III	4,915	6,618	35
IV	<u>3,831</u>	<u>3,443</u>	<u>(10)</u>
	<u>10,339</u>	<u>12,183</u>	<u>18</u>

Along with the increase in the number of class I violators being arrested, major traffickers have been sentenced to prison for longer terms than traffickers categorized in classes II, III, and IV. We reviewed sentencing results for 297 class I cases closed in fiscal years 1980 through 1982 and involving 426 arrests at the three DEA district offices we visited. The table below shows average sentences by class of violator.

Average Prison Sentences By  
Suspect Class Levels

<u>Class of violator</u>	<u>Number sentenced to prison</u>	<u>Average sentence (years)</u>
I	251	6.1
II	53	4.0
III	117	3.4
IV	5	.7

THE LAW SPECIFICALLY DESIGNATED  
TO PUNISH MAJOR TRAFFICKERS  
IS BEING USED MORE

In 1970, congressional concern about major drug trafficking moved the Congress to enact the Continuing Criminal Enterprise statute (CCE) 21 U.S.C. 848. The statute applies to persons engaged in a continuing criminal enterprise. This occurs if the person occupies a position of authority over five or more people engaged in a series of drug violations from which substantial income is derived.

The CCE statute provides for longer incarceration periods than other drug statutes provide. For example, if convicted, a first-time CCE offender faces a maximum \$100,000 fine and a prison term from 10 years to life. Also, convicted violators are not eligible for sentence suspension, probation, or parole.

CCE is unusual among federal statutes in requiring imposition of a mandatory minimum term of imprisonment and in prohibiting parole. Section 848(a)(2) of Title 21 also provides for the forfeiture of the profits obtained by the violator in the criminal enterprise and forfeiture of any of the person's interest in, claim against, or property or contractual rights of any kind affording a source of influence over such enterprise. To put the CCE statute in perspective, the statute that provides for the next most severe penalty for drug trafficking provides for a maximum of 15 years in jail and does not provide for forfeiture of assets.

DEA is more frequently developing cases that can be prosecuted under the CCE statute. For fiscal year 1970 through 1980, 85 indictments under the CCE statute were handed down in DEA cases nationwide. In the following 2 fiscal years, indictments in DEA cases under the CCE statute increased substantially. In fiscal year 1981, DEA secured 29 indictments under CCE involving 54 defendants. In fiscal year 1982, the number of indictments almost doubled, increasing to 52 involving 84 defendants. Based on the Department of Justice Narcotics and Dangerous Drug Section records, the following chart shows the status of the 84 defendants as of December 1, 1982.

Defendants Indicted Under CCE  
During Fiscal Year 1982<sup>a</sup>

<u>Sentencing outcome</u>	<u>Defendants</u>	
	<u>Number</u>	<u>Percentage</u>
Convicted under CCE	10	12
Pled guilty under CCE	1	1
Pled to lesser charges	22	26
Fugitive	10	12
Deceased	3	4
Acquitted	1	1
Pending trial	<u>37</u>	<u>44</u>
Total	<u>84</u>	<u>100</u>

<sup>a</sup>Fiscal year 1982 was the only year for which this breakdown is available.

Sentences for 9 of the 10 defendants convicted under CCE averaged 25 years. One defendant was awaiting sentencing as of December 1, 1982. For the 22 defendants who pled guilty to lesser charges, 12 received prison sentences averaging 15 years. The remaining 10 were awaiting sentencing.

DEA's efforts to obtain drug trafficker assets through forfeiture has also increased. In fiscal year 1980, asset forfeitures amounted to \$6.2 million. DEA's actions for fiscal

year 1981 and 1982 demonstrate a greater commitment to obtaining asset forfeitures. Drug traffickers forfeited \$10.3 million in fiscal year 1981 and \$38 million in fiscal year 1982.

DEA AGENTS PERCEIVE INCREASED  
SUCSESSES AGAINST MAJOR  
TRAFFICKERS

DEA agents believed they were doing a better job in their districts against major drug traffickers in 1982 than they had done in 1979. We randomly selected and interviewed 30 agents from Los Angeles and 30 from New York and interviewed all 25 agents from San Diego. These agents had been at their districts and had investigated Class I violators since 1979.<sup>2</sup> We asked two questions to solicit their views on what success they thought, on the basis of their experiences, their districts were having against major drug traffickers.

Agents' Responses to Questions  
on Major Traffickers

<u>Question</u>	<u>Extent</u>	<u>1979 percentage</u>	<u>1982 percentage</u>	<u>Percent increase &lt;decrease&gt;</u>
To what extent were/are cases successful in obtaining arrests against top drug traffickers?	Very great or substantial	34	57	23
	Moderate	44	30	<14>
	Some	20	13	<7>
	None	2	0	<2>
To what extent were/are investigations having an impact against top drug traffickers?	Very great or substantial	19	45	26
	Moderate	45	42	<3>
	Some	33	9	<24>
	None	3	4	1

As shown above, about 23 percent of these agents believed their performance in arresting major traffickers improved, while 26 percent thought the impact of DEA's investigations on major traffickers also improved.

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<sup>2</sup>See appendix III for responses to all questions asked of the 85 agents.

NEW INITIATIVES BOLSTER ATTACK  
ON MAJOR DRUG TRAFFICKERS BY  
INCREASING RESOURCES AND  
COORDINATION

Historically, federal drug law enforcement has suffered from limited resources and problems with coordination.<sup>3</sup> Prior Administrations have initiated programs designed to improve interagency coordination. The current Administration is taking further steps to remedy these longstanding problems. In 1982, the FBI was given concurrent jurisdiction for drug investigations bringing, for the first time, its resources and expertise to bear on the problem. In 1983, 12 new Organized Crime Drug Enforcement Task Forces were established around the country to concentrate and coordinate more federal resources against major drug traffickers. To augment these actions, the Administration has also proposed legislation to strengthen existing criminal law.

FBI given concurrent  
jurisdiction for  
drug investigations

On January 28, 1982, the Attorney General assigned to the FBI concurrent jurisdiction for drug investigations with DEA. The Attorney General said the FBI's financial investigations expertise and experiences with and resources for electronic surveillances were needed to augment DEA's enforcement efforts against major drug traffickers. In response, the FBI shifted approximately 600 agents to work drug investigations. As a result, in January 1982, the FBI had less than 100 ongoing drug investigations; a year later in January 1983, the FBI had 1,115 drug investigations underway. DEA was involved in 313 of these investigations.

As of November 1983, the FBI had ongoing over 1,460 drug investigative cases (excluding 261 Organized Crime Drug Enforcement Task Force cases) within its 59 field offices. Approximately 660 of these cases were being worked jointly by DEA and FBI agents, and about 800 cases were being investigated solely by the FBI. As many as 1,000 out of 8,000 FBI field agents may be working on narcotics investigations at any given time.

Informants are the primary source of developing narcotics investigations, and the FBI has over 900 informants being used in this manner. Once an FBI agent opens an investigation, the

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<sup>3</sup>See GAO reports: Federal Drug Enforcement: Strong Guidance Needed (GAO/GGD-76-32, December 18, 1975); Gains Made In Controlling Illegal Drugs, Yet The Drug Trade Flourishes (GAO/GGD-80-4, October 25, 1979); and Federal Drug Interdiction Efforts Need Strong Central Oversight (GAO/GGD-83-52, June 13, 1983).

agent in charge of the local office must coordinate with the agent in charge of DEA's local office to insure that duplication is avoided. Where appropriate, a joint investigation may develop. In addition to field coordination, all case starts must be approved by FBI headquarters and basic profile data on the suspects entered into DEA's drug information data base.

FBI drug investigations are focussed primarily at traditional organized crime families, nontraditional crime groups, and significant traffickers within a geographic area. In addition, the FBI investigates public corruption cases involving drugs.

Task forces bring agency  
resources together for  
drug investigations

In addition to assigning concurrent jurisdiction for drug investigations to the FBI, the Administration established 12 Task Forces around the country to combat drug trafficking by organized crime. On October 14, 1982, President Reagan announced that a task force approach would be created to concentrate more federal resources on major criminal organizations trafficking in illegal drugs. On January 20, 1983, 12 Organized Crime Drug Enforcement Task Forces were established.<sup>4</sup> An estimated 1,600 additional law enforcement personnel are to be assigned to supplement the ongoing DEA and FBI activities against high-level drug traffickers. These Task Forces are designed to bring together agent resources from the FBI, DEA, the Internal Revenue Service, Customs, and Treasury's Bureau of Alcohol, Tobacco and Firearms to concentrate their expertise and knowledge on investigating high-level drug traffickers who operate major drug trafficking organizations.

The specific objectives of these Task Forces are:

- to target, investigate, and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking enterprise, including large scale money laundering organizations;
- to promote a coordinated drug enforcement effort in each Task Force area, and to encourage maximum cooperation among all participating enforcement agencies;
- to work fully and effectively with state and local drug enforcement agencies; and

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<sup>4</sup>A more detailed report on the implementation of the Organized Crime Drug Enforcement Task Forces program has been issued. See GAO report: Organized Crime Drug Enforcement Task Forces: Status And Observations (GAO/GGD-84-35, December 9, 1983).



--to make full use of financial investigative techniques, including tax law enforcement and forfeiture actions, in order to identify and convict high-level traffickers and to enable the government to seize assets and profits derived from high-level drug trafficking.

According to the Department of Justice guidelines for the Task Forces, meeting these objectives will result in the seizure of large quantities of illegal drugs and trafficker assets and the disruption of large scale drug trafficking organizations operating within the 12 Task Force regions.

Congress authorized 1,600 positions, including prosecutors, to support these Task Forces. Experienced agents and prosecutors were assigned to the Task Forces and new staff hired to replace them. The core cities for the Task Force regions are Baltimore, New York, Boston, Atlanta, Houston, St. Louis, Chicago, Detroit, Denver, Los Angeles, San Diego, and San Francisco. In addition, Task Force resources were also allocated to 59 U.S. Attorney District Offices within these 12 regions. About 500 of the 1,600 Task Force professional and support personnel were in place at the time of our field work. As of September 1983, the Task Forces were over 97 percent staffed.

To achieve a rapid start, Task Forces began with approximately 260 existing cases submitted by agencies and U.S. attorneys. Since the initial selection by the Department of Justice, Task Forces have approved additional cases. As of November 16, 1983, according to a Justice Department official, a total of 425 Task Force cases have been initiated and 194 defendants have been convicted. On the basis of available data, most of the cases are multiagency investigations. Over half involve agents from three or more agencies and approximately three-fourths involve both Treasury and Justice agents.

The primary criteria for selection of the cases were the need for multiple agencies in the investigation and the pre-indictment status of the existing case. Quantitative standards on the size of the organization and the volume of drugs involved were not set, in order to allow task forces to respond flexibly to situations in different regions.

Legislation introduced to  
strengthen existing criminal  
laws

The Administration also proposed some sweeping legislative changes in 1983. Referred to as the Comprehensive Crime Control Act of 1983 (S.1762), this new omnibus crime bill proposes legal

reforms to address some of the problems involved with immobilizing major traffickers. Of particular interest are sentencing and forfeiture reforms.

The sentencing reform provisions would

- establish sentences with no parole and limited time off for good behavior, and
- promote more uniform sentencing by establishing a commission which will set more narrow sentencing ranges for federal criminal offenses and require courts to explain in writing any departure from these sentencing guidelines.

The forfeiture reform provisions set forth changes to strengthen criminal and civil forfeiture laws by providing for

- expanded procedures for preventing the disposal of forfeitable property pending judicial proceedings,
- forfeiture of substitute assets when other assets have been removed from the reach of the government,
- a broader scope of property subject to criminal forfeiture, and
- expanded use of administrative forfeiture in noncontested cases.

In addition to these provisions, legislative changes were also proposed in this crime bill to strengthen federal laws against money laundering<sup>5</sup> by strengthening the foreign currency transaction reporting requirements covering money taken out of the United States. The bill was passed by the Senate on February 2, 1984.

#### IMPACT AGAINST MAJOR TRAFFICKERS DIFFICULT TO MEASURE

The impact of DEA's improved effort against major traffickers is difficult to gauge. If drug availability were the sole measure, the effort has not had a great impact. The then Acting Administrator of DEA, testifying before a congressional

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<sup>5</sup>Money laundering is the process used to convert illegal or unreported income into money that can be safely spent. Many schemes have been used, but one of the most common involves making deposits to an offshore bank account in a tax haven country and borrowing back the funds.

committee in May 1983,<sup>6</sup> said that the drug abuse levels remain unacceptably high and national trends project that the availability of major illegal drugs will be abundant at least for the next few years.

On the other hand, illegal drug abuse, being a consensual and greatly increasing crime, is unlikely to be eliminated by domestic law enforcement efforts alone. Eradicating illegal drugs in the source countries, interdicting drugs at U.S. borders, and educating the drug consuming public play important roles in controlling the drug problem.

Therefore, even though illegal drugs remain readily available, domestic law enforcement along with the judicial branch can make further progress in achieving its goals of dismantling drug organizations by increasing the number of top traffickers incarcerated for extended periods of time and increasing the amounts of assets removed from criminal organizations. The federal effort is improving in these areas.

### CONCLUSIONS

The federal domestic law enforcement effort directed at immobilizing major drug traffickers is improving. The fact that illegal drugs remain readily available is not inconsistent with the improved law enforcement effort. These two circumstances are indicators that the solution to the drug abuse problem involves more than domestic law enforcement efforts.

### AGENCY COMMENTS

The Department of Justice, commenting on our report (see app. VII), said that the improvement in DEA's success in combatting major drug traffickers was aided by the cooperative efforts of the U.S. attorneys and agencies like the Internal Revenue Service and U.S. Customs Service. According to Justice, the commitment of many U.S. attorneys, particularly in drug cases involving the Continuing Criminal Enterprise statute, has been substantial. Similarly, Justice notes that the efforts of the Internal Revenue Service and the U.S. Customs Service have been beneficial in drug cases in which criminal assets have been seized and forfeited. Justice also elaborated on our report presentation of the FBI's concurrent jurisdiction for drug investigations. This report includes data to show the extent of FBI's efforts. (See pp. 11 and 12.)

As a technical matter, Justice suggested that the first paragraph in chapter 2 of the report, which notes the number of indictments under the Continuing Criminal Enterprise statute for fiscal year 1981 and 1982, be revised to also note the number of

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<sup>6</sup>Testimony by the Acting Administrator, Drug Enforcement Administration, before the Select Committee on Narcotics Abuse and Control, U.S. House of Representatives, May 24, 1983.

defendants associated with these indictments. While the defendant information was in a subsequent section of the report, the final report was revised to include it in the first paragraph of chapter two.

### CHAPTER 3

#### DEA CAN BETTER MEASURE ITS INVESTIGATIVE EFFORTS ON MAJOR TRAFFICKING ORGANIZATIONS

A longstanding federal policy for drug law enforcement, as noted in chapter 1, is that the federal effort should be directed toward destroying drug enterprises by immobilizing persons occupying the highest echelons within these organizations. Yet, out of the top 50 cases selected by DEA for our review perhaps 46 to 58 percent of the drug traffickers DEA put into the major or class I category might not have been persons managing major drug organizations. DEA's criteria for classifying major violators are too broad to determine how much of its investigative effort is directed at the highest echelons of the drug traffic.

The Federal effort directed toward immobilizing major traffickers and their organizations could be better focussed if the criteria for designating a major trafficker were revised. Specifically, DEA's drug violator classification system should provide a separate category for heads of continuing criminal enterprises.

#### CRITERIA FOR CLASSIFYING SUSPECTS AS MAJOR TRAFFICKERS IS VERY BROAD

The DEA system classifies drug violators on the basis of (1) the volume of drugs trafficked during a month's time by the violator, and (2) the position the violator occupies in the drug trade.<sup>1</sup> For example, a suspect must illegally distribute 4.4 pounds or more of 100 percent pure heroin within 1 month to be considered a class I violator, and about 1 or more pounds within 1 month to be considered a class II violator. The position a suspect occupies in the drug trafficking organization is also a critical component in classifying drug traffickers. Before a suspect is considered a class I violator, the person must occupy one of the six major positions below:

1. Laboratory operator: The suspect must exercise managerial control over an illicit manufacturing operation.
2. Head of criminal organization: Any person who engages in a criminal enterprise and occupies the highest position of organizer, supervisor, or manager, in concert with five or more other persons, in a drug organization which has a significant impact on the availability and

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<sup>1</sup>An exception is made for a nondrug key conspirator--see app. VI.

distribution of controlled substances, and from which such persons obtain substantial income or resources.

3. Financier: Any individual providing funds or resources to establish or maintain a drug trafficking organization.
4. Registrant: Anyone who is licensed to distribute drugs such as doctors, pharmacists, or who is an employee or agent of such persons.
5. Documented source of supply for another class I violator under the same drug category.
6. Key conspirator: An individual who through misuse of professional position, knowledge, or skill provides assistance to drug organizations to such a degree the the assistance constitutes a nondrug felony.

The DEA case agent initially determines the classification level for a violator and that decision is reviewed by DEA management.

Class I investigative targets  
were not always persons managing  
major organizations

Because of the broad criteria for placing violators in the class I category, traffickers within this category cannot, in all cases, be considered as operating at the highest echelon of a drug organization. The top 50 class I cases selected by DEA for our review involved 189 class I violators. The positions in the drug trade of 149 of these violators were noted in the case files. Of these 149, 80 (54 percent) were designated as heads of organizations. Of the remaining class I cases (247) closed in fiscal years 1980 and 1981, there were 198 class I violators whose positions in the drug trade were noted in case files. Of these 198, 87 (44 percent) were designated as heads of organizations.

Of the 50 top class I cases selected by DEA for our review, we were able to discuss 35 with the Assistant U.S. Attorneys who either prosecuted the cases or were very familiar with them. The attorneys told us that of the 29 cases they could categorize by size, about one-half of these involved significant trafficking organizations. They also said that 7, or 24 percent, of the 29 cases were against individuals and did not involve networks. Although individuals can play a significant role in drug trafficking--for example, a financier--the Administration has repeatedly said that the huge drug trafficking networks must be attacked. While not specifying what constitutes a significant

drug organization, when asked what the size of the organizations were in these cases, the attorneys provided the following general description:

Size of Organization

<u>Description</u>	<u>Number of cases</u>	<u>Percentage</u>
Significant trafficking organizations	15	52
Medium to large organizations	5	17
Small organizations	2	7
Individuals but not organized	3	10
An individual only	<u>4</u>	<u>14</u>
	<u>29</u>	<u>100</u>

Another indication that large criminal organizations may not always be the focus of class I cases is the number of suspects involved in cases directed at persons managing criminal organizations. To be prosecuted under the CCE statute--the major drug statute--a person must occupy a management position in an enterprise consisting of five or more people. Using that criterion as an indicator of a major organization, we analyzed the case files for the 297 class I cases closed in fiscal years 1980 through 1982. Of the 167 class I suspects classified as heads of criminal organizations, 91 (54 percent) were operating in concert with five or more suspects, the criterion which qualifies the organization as a continuing criminal enterprise.

Similarly, 80 of the 297 cases we reviewed involved 5 or more suspects and 96 cases involved a single suspect. For the 50 top class I cases selected by DEA, 31 cases involved 5 or more suspects and 4 cases involved a single suspect.

Number of Suspects Involved in Cases

<u>Number of suspects</u>	<u>DEA selected cases</u>		<u>Nonselected cases</u>		<u>Total</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1	4	8	92	39	96	33
2	2	4	40	17	42	15
3	5	10	32	13	37	13
4	8	16	25	11	33	11
5 or more	<u>31</u>	<u>62</u>	<u>49</u>	<u>20</u>	<u>80</u>	<u>28</u>
	<u>50</u>	<u>100</u>	<u>238<sup>a</sup></u>	<u>100</u>	<u>288<sup>a</sup></u>	<u>100</u>

<sup>a</sup>Information on the number of suspects under investigation were not in the case files for nine cases.

Of the 50 class I cases selected by DEA, the CCE statute was used in 10 (20 percent).

A SEPARATE CLASSIFICATION FOR  
PERSONS MANAGING CONTINUING  
CRIMINAL ENTERPRISES WOULD  
BETTER INDICATE THE FOCUS  
OF INVESTIGATIONS

The extent investigative efforts are focussed on major drug organizations could be better measured if the drug violator classification system were to provide a separate category for persons functioning at the top echelons of these enterprises.

According to the Administration, criminal organizations are primarily responsible for illegal drug trafficking. DEA's Administrator has stated that more than 90 percent of the U.S. drug supply is imported through organized crime networks. However, the current drug violator classification system requires a class I violator to be a person filling one of six positions, only one of which specifically applies to the head of an organization. A violator filling the remaining five of these positions--laboratory operator, financier, key conspirator, registrant, and source of supply--could be acting alone. Persons occupying these positions can play a significant role in the drug trade. However, only one position--head of organization--would always be in the highest echelons of a drug organization.



A separate classification category for persons engaged in continuing criminal enterprises might not change the number of class I cases directed toward major drug organizations. But it would give a more refined measure of the extent to which the federal effort is focussed on organized crime networks and their leaders as opposed to significant individuals.

NUMBER OF VIOLATORS IN  
CLASS I CATEGORY MAY BE  
OVERSTATED

Some lower level violators could have been put into the major or class I category. The case files for the top 50 class I cases selected by DEA showed that 189 class I suspects were involved. However, as the table below shows the number of suspects occupying class I positions noted in the case files were substantially different from the number of suspects put in those positions by DEA case agents. (See app. IV p. 40.)

Suspect Position in Drug Organization

<u>Position</u>	<u>Per case file</u>	<u>Per DEA agents</u>
Laboratory operator	14	8
Head of criminal organization	80	41
Financier	30	10
Registrant	1	-
Documented source	<u>24</u>	<u>-</u>
	149	59
(Suspect's position not noted in files or agents were uncertain of position)	<u>40</u>	<u>13</u>
	<u>189</u>	<u>72<sup>a</sup></u>

<sup>a</sup>The remaining 117 suspects were classified by the agents as couriers, transportation workers (pilots, loaders, etc.), and low-level retailers and wholesalers.

Classification criteria may  
not have been strictly followed

One reason the case files seemingly overstated the number of class I suspects is the perception held by case agents that the classification criteria were not strictly followed by the agents. Only about 50 percent of the 85 case agents we interviewed said that, in 1982, the criteria were followed to a substantial or very great extent. This percentage was an increase over that given by the agents for conditions in 1979 but

nevertheless raises questions about the agents' adherence to the classification criteria.

DEA Agents' Perception of the Extent  
Classification Criteria Being Followed

<u>Response</u>	<u>Percentages for</u>	
	<u>1979</u>	<u>1982</u>
To a very great extent	9	13
To a substantial extent	30	37
To a moderate extent	28	20
To some extent	22	22
To no extent	<u>11</u>	<u>8</u>
	<u>100</u>	<u>100</u>

When asked to what extent the classification of violators was evaluated for accuracy by DEA management, more than half of the 85 case agents said to a moderate extent or less for 1979 and for 1982. As in other areas, the agents thought DEA was improving in this area--65 percent said moderate or less for 1979, while this declined to 51 percent for 1982 (see app. III p. 36).

We do not know whether the agents' perceptions about the classification of the violators are indicative of what actually occurred. But the way in which DEA set goals and measured field office and agent performance in the past could have contributed to overstatements of the importance of suspects. Prior to 1982, DEA measured field office performance on the basis of predetermined quotas of arrests by class level. This, in turn, put pressure on the agents to develop class I cases and make arrests. This pressure for arrest statistics was evident from the responses of the 85 case agents interviewed--78 percent said they were under moderate, substantial, or very great pressure for arrests and seizure statistics in 1979. This percentage declined for 1982--52 percent said they were under moderate, substantial, or very great pressure for arrest and seizure statistics. This decline occurred in conjunction with DEA's deemphasis of arrest statistics by class level as goals for field office performance beginning in fiscal year 1982.

CONCLUSIONS

The Administration's strategy calls for federal law enforcement efforts to be directed at destroying major trafficking organizations by immobilizing persons in the highest echelons within the organizations. However, the extent of these efforts cannot be readily measured.

DEA's system for classifying drug violators does not provide a separate classification for investigative efforts directed at the heads of these organizations. Investigative efforts directed at immobilizing the heads of major organizations are placed in the same category as efforts directed at other elements of the drug trade, such as laboratory operator and financier. While these are important positions in the illicit drug trade, they are not necessarily the highest echelons within trafficking enterprises.

The extent investigative efforts are focussed on major drug organizations could be better measured if the drug violator classification system were to provide a separate category for persons functioning at the top echelon of these organizations; specifically, those persons managing criminal enterprises involving at least five suspects, the minimum number needed for a continuing criminal enterprise indictment. A separate category would provide the Administration and the Congress with a better measure of DEA's efforts against major organizations and an indication as to whether that effort should be changed.

#### RECOMMENDATION

The Attorney General, to better assess the results of federal efforts aimed at destroying drug enterprises by immobilizing persons in the highest echelons of these organizations, should direct the Administrator of DEA to revise the drug violator classification system to provide a separate category for persons managing continuing criminal enterprises. The criterion for classifying drug violators in this category should be persons managing criminal enterprises involving at least five suspects, the minimum number needed for a continuing criminal enterprise indictment.

#### AGENCY COMMENTS

The Department of Justice's comments on the report (see app. VII) noted that our recommendation to refine the DEA classification system for drug offenders was a good one. Justice said that our recommendation to provide a separate category in the system for persons managing continuing criminal enterprises would be implemented.

## CHAPTER 4

### IMMOBILIZING MAJOR TRAFFICKERS REQUIRES

#### SOPHISTICATED TECHNIQUES

As requested, we looked into the investigative methods used by DEA in investigating high-level traffickers. According to DEA, complex conspiracy investigations<sup>1</sup> are often the most successful way to proceed against major trafficking organizations. The conspiracy approach is critical because heads of major drug networks are generally insulated from the drug transactions. In other words, major traffickers are not apt to be found at the scene where money is being exchanged for drugs.

Hence, the "buy bust" investigative approach is insufficient to convict a top trafficker. A network of evidence must be woven from information collected through informants, electronic surveillance, and the analysis of financial data--the investigative techniques upon which conspiracy cases are built. Informants have been a mainstay of drug investigations; more use is being made of the latter techniques.

Investigative efforts against major traffickers should also improve when DEA implements its policy of more fully integrating the operations of intelligence units into investigative efforts. Although DEA officials said intelligence units were vital in combatting complex trafficking organizations, limited use was made of these resources in investigative efforts.

Whatever techniques are used in drug investigations, DEA generally does not direct investigative resources at preselected targets. Instead, resources are targeted at those organizations and individuals which are vulnerable to an investigation. It is not clear which targeting approach is better.

#### "BUY BUST" APPROACH USED LESS OFTEN

Through the years, the domestic drug law enforcement effort has been criticized for engaging too frequently in investigations of a short term transactional nature--commonly referred to as "buy bust" cases. These investigations are directed toward arresting a suspect in the act of selling drugs. In November 1981, the Attorney General's Committee on DEA-FBI Coordination

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<sup>1</sup>In criminal laws, conspiracy is a confederacy between two or more persons for the purpose of committing, by their joint efforts, some unlawful or criminal act. DEA conspiracy cases are investigations involving the development of information to show an alliance between two or more persons to traffic illegal drugs, even though one or several persons may never handle the drugs.

noted that DEA has viewed drug cases as transactional in nature and has made limited use of the more sophisticated techniques which are essential to the successful investigations of large, complex criminal organizations.

The following is an example of how a "buy bust" case works.

The informant told the DEA case agent that he knew of a woman and an unidentified male who had cocaine to sell. The next day, the informant took the case agent to the suspects' hotel room, to purchase drugs. The agent arrested the suspects plus two other associates, and seized 9,900 grams of cocaine, 411 grams of marijuana and \$36,838 in cash. This essentially concluded the investigation.

Recognizing that "buy bust" investigative techniques lack direct results against top-level traffickers, DEA has reduced the use of this investigative approach. This is evident from the response of the 85 agents we interviewed in the three districts. We asked them to what extent their investigations in 1979 and 1982 were "buy bust." Their responses were as follows:

Percentage of Investigations Categorized  
by Agents as Buy/Bust Cases

<u>Responses</u>	<u>1979</u>	<u>1982</u>	<u>Percent increase &lt;decrease&gt;</u>
To a very great extent	24	12	(12)
To a substantial extent	45	16	(29)
To a moderate extent	19	31	12
To some extent	12	36	24
To no extent	0	5	5

As shown, "buy bust" was not used as extensively in 1982 as it was in 1979. For example, 69 percent of the agents said that in 1979 the "buy bust" approach was used to a very great or substantial extent. Only 28 percent of the agents held that same view of their operations in 1982. Case agents classified only 12 percent of the 50 DEA selected cases as "buy bust" investigations, while 68 percent were classified as conspiracy investigations.

USE OF ELECTRONIC  
SURVEILLANCE INCREASING

Electronic surveillance (primarily telephone wiretaps) is accepted by federal law enforcement agencies as a proven investigative technique for gathering the conspiracy evidence so essential to prosecute top-level traffickers. DEA has used

telephone wiretaps sparingly. According to the Attorney General's Committee on FBI-DEA Coordination, two reasons accounted for this infrequent use: (1) DEA had always viewed drug cases as transactional in nature, concentrating on the purchase and seizure of narcotics and the arrest of the traffickers without pursuing the large complex criminal organizations, and (2) a shortage of enough personnel to use the electronic surveillance technique.

The Committee found that in fiscal year 1981, DEA used 22 wiretaps nationwide. Since the Committee's report, DEA has increased its use of wiretaps. In fiscal year 1982, DEA employed 38 wiretaps, an increase of 16 over fiscal year 1981.

Our review of case files for the 247 class I cases closed by the three DEA offices in fiscal year 1980 and 1981 showed that three cases involved the use of wiretaps. Wiretaps were used in 11 of the top 50 cases selected by DEA for our review.

Two examples of cases in which wiretaps led to meaningful results are as follows:

- Major conspiracy charges were successfully brought in 1980 against nine defendants who ran a large-scale organization which sold massive amounts of heroin to drug dealers in New York City. The head of this organization was sentenced to prison for 30 years while the other defendants received prison terms ranging between 7 and 20 years. Over \$200,000 in cash and personal property were forfeited. Conversations recorded over a wiretap on the head of the organization's phone provided the critical prosecutive evidence.
- Charges were successfully brought in 1981 against a major trafficking organization for supplying large quantities of heroin and cocaine to dealers in New York, New Jersey, Washington, D.C., and Detroit. The key evidence was obtained through a wiretap on the head of this organization's phone over a 40-day period. He received a 25 year prison sentence, 18 of which are without possibility of parole, while the remaining six defendants received from 5 to 14 years in prison. Over \$2 million in assets were also forfeited, including two houses and two businesses. These assets were uncovered through use of the wiretap.

Besides helping to make substantial cases, several of the wiretaps among the 11 cases DEA selected proved valuable in providing information and leads to additional traffickers and organizations that were unknown at the time or about which DEA had little information.

As pointed out by the Attorney General's Committee, the FBI's expertise and success with electronic surveillance, plus its additional resources, will help to improve the application of wiretaps in narcotics cases. In fiscal year 1982, DEA participated with the FBI in 32 cases in which joint wiretaps were employed. This is in addition to the 38 DEA wiretap cases during that year.

Although DEA has used wiretaps infrequently, the 85 case agents we interviewed cited electronic surveillance as the second most useful technique after the use of informants in making cases against top level drug traffickers. The U.S. attorneys we interviewed, who worked on or were knowledgeable of 35 of the top 50 cases selected by DEA, said that in 6 of the 11 cases in which wiretaps were used, they proved to be the most useful technique for gathering evidence. DEA's 1983 priority objectives recognized the importance of using wiretaps to improve DEA's effectiveness.

#### USE OF FINANCIAL INVESTIGATIONS INCREASING

The importance of financially oriented investigations is recognized throughout the Justice Department. The Attorney General's Committee on DEA-FBI Coordination noted that a necessary step in the disruption of large drug trafficking organizations is the destruction of their financial bases. To this end, one of DEA's priority objectives for fiscal year 1983 is to measurably increase the amount of traffickers' assets seized and forfeited to the government.

DEA has increased the amount of assets seized and forfeited from organizations. As noted in chapter 2, DEA obtained \$6.2 million in forfeited criminal assets in fiscal year 1980. Whereas, for fiscal years 1981 and 1982, the amounts increased to \$10.3 million and \$38 million, respectively.

Of the 297 cases we reviewed, 74 involved asset forfeitures amounting to over \$12 million. The bulk of these assets came from the cases DEA selected for our review. Thirty-six of the 50 cases involved \$11.3 million in assets forfeited to the government. Of the 247 nonselected class I cases, 38 involved asset forfeitures totaling about \$730,000.

The agents' perception of the extent financial investigations are made and the capability of agents to make financial investigations changed considerably from 1979 to 1982. Of the 85 agents we interviewed, only 5 percent said that financial investigations were involved in cases to a substantial or great extent in 1979; however, 69 percent held that opinion in 1982. Also, only 12 percent of the agents we interviewed said that in

1979 agents were capable to a substantial or great extent of conducting financial investigations but, in 1982, 47 percent held that view.

# INFORMANTS STILL THE KEY TO DRUG INVESTIGATIONS

While electronic surveillance and financial investigative efforts are essential to advancing DEA's efforts to develop conspiracy cases, use of an informant, according to the agents, remains the most critical investigative technique. Unlike many other crimes, the criminal activities in drug trafficking are seldom reported to law enforcement agencies. Drug growers and manufacturers supply organizations that distribute these drugs to drug retailers who, in turn, sell the drugs to the users. Few of the people involved in this chain of events are likely to come forward and report these activities to law enforcement agencies. In contrast, auto thefts, bank robberies, and counterfeiting crimes involve victims who are likely to report the crime. The lack of complaints in the loop of drug transactions is one reason why informants are critical in drug cases.

As shown below, the agents we interviewed rated the use of informants as the most productive technique for combatting drug traffickers.

## Agents' Evaluation of Investigative Techniques

<u>Technique</u>	<u>Weighted points<sup>a</sup></u>	<u>Percent<sup>a</sup></u>
Informants	172	34
Electronic surveillance	73	14
Undercover drug purchases	55	11
Financial investigative efforts	39	8
Surveillance	38	7
Intelligence analysis	27	5
Other undercover operations	25	5
Development of witnesses	24	5
Background development	20	4
Grand jury hearings	17	3
Other	20	5
	<u>510</u>	<u>100</u>

<sup>a</sup>Points are based on rankings given by agents in their selection of the three top investigative techniques. For each technique ranked as number one by the agents, 3 points were given; the second technique, 2 points; and the third, 1 point. Therefore, a total of 510 points were possible on the basis of the responses of the 85 agents. The maximum points that a technique could receive was 255.



Also, over 54 percent of the class I cases we reviewed were initiated from information supplied by informants. The next most frequent way was referrals from state or local agencies, which accounted for 11 percent of the cases. Although we could not determine the numbers, many of the referrals from these and other agencies were most likely generated by informants. The remainder of the cases were started in various ways, such as from undercover operations or intelligence information.

#### MORE INTELLIGENCE RESOURCES TO BE USED IN INVESTIGATIONS

According to DEA officials, intelligence resources are vital to and must play an active role in the enforcement effort directed toward immobilizing complex trafficking organizations. At the time of our fieldwork, however, DEA had made limited use of intelligence activities to target and support investigations of drug traffickers. Reluctance by agents to use intelligence units, a shortage of intelligence personnel, and heavy demands on intelligence personnel for other than intelligence work account in large measure for the limited use.

Of the 297 investigative case files we reviewed, 22 (7 percent) indicated that the targets originated from information provided through DEA's intelligence functions. Of the top 50 cases selected by DEA for our review 23 (46 percent) involved intelligence units. In 18 of these 23 cases, the agents commented that intelligence information was useful to at least a moderate extent; in only 5 cases was the intelligence information considered useful to some or no extent.

DEA is taking action to change this condition. One of the agency's fiscal year 1983 priority objectives is to improve the integration of intelligence into all operational, management, and policy matters. To assimilate intelligence components into enforcement efforts, DEA is requiring that (1) information obtained during investigations be systematically made available to enforcement elements, (2) intelligence collection and analytical resources be thoroughly utilized to support case efforts, and (3) strategic intelligence be developed and disseminated both to DEA management and to other agencies supporting DEA's mission. These steps should further the use of intelligence in drug investigations.

Overall, there has been a general improvement in the agents' perceptions of the usefulness of intelligence units to their investigations. Of the 85 case agents we interviewed, about 48 percent indicated that intelligence was of little or no benefit to them in their investigations of major drug trafficking in 1979. The agents perceived a modest improvement in 1982 in that only 32 percent held that opinion.

In 27 of the top 50 cases DEA agents did not use intelligence units. The primary reasons agents gave for not using intelligence units were that they could do their own intelligence work, or when they wanted assistance from intelligence units they were unable to obtain it. For example, in 9 of the 27 cases, the agents said their intelligence section was too shorthanded to provide timely and useful help. Also, intelligence has been traditionally considered by DEA headquarters management as a readily available resource for special projects and administrative support. According to several agents and intelligence personnel, additional requirements imposed by management have frequently depleted intelligence resources for case support and other intelligence activities.

#### DEA'S APPROACH TO TARGETING MAJOR TRAFFICKERS

DEA generally does not target specific major drug violators or their organizations. Instead, the violator classification system is used as a basis for allocating investigative resources to the various levels of drug violators but not to specific ones. DEA's approach differs from the approach to be used by the Organized Crime Drug Enforcement Task Forces. The Task Forces are to identify, investigate, and prosecute members of high-level drug trafficking enterprises (see p. 12). Task Force guidelines call for compiling and maintaining a current list of major traffickers and organizations to be targeted by the Task Forces.

It is not clear which targeting approach is better. Task Force results will not be known for some time. But in a prior report<sup>2</sup> we noted that directing investigative resources at preselected targets when little information existed upon which to build cases was one of the reasons for the failure of a joint FBI/DEA investigative venture. On the other hand, DEA's approach does not generally differentiate among class I cases. And given the G-DEP criteria noted in chapter 3, there is not a great deal of assurance that the current approach will result in a concentrated effort against persons managing major trafficking organizations.

#### DEA's targeting system

DEA's drug violator classification system establishes the focus for investigative efforts. Prior to fiscal year 1982, DEA headquarters used the system as a basis for allocating investigative resources to field offices by class of violator and type of drug. For example, for a fiscal year, a DEA field office was expected to spend a specific number of staff years

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<sup>2</sup>FBI-DEA Task Forces: An Unsuccessful Attempt At Joint Operations, (GGD-82-50, March 26, 1982).

pursuing class I heroin suspects. Management also projected the expected percentage of total arrests which would occur by class of violator and type of drug. After fiscal year 1982, the arrests projections were dropped. The system continues to be used as a basis for allocating investigative resources to a class of drug violators but not specific violators.

We asked 18 DEA district management personnel in the three districts we visited for their assessment of the usefulness of the violator classification system as a means of targeting traffickers. Six, 32 percent, thought it was a valuable targeting tool. The consensus of the remaining 12, 67 percent, was that it was a good measurement tool for evaluating how successful the districts had been in meeting their goals for classes of violators. However, they said it was not a targeting instrument and not much use was made of it for targeting specific major traffickers.

In lieu of targeting preselected individuals, investigative agents generally use an approach loosely defined as "targets of opportunity." This approach was explained by a DEA official as targeting the organization or individual which is most vulnerable to an investigation. The consensus of the district management personnel was that investigative experience has shown that a vulnerable target must be established before a successful investigation can be made. The preselected targeting approach, according to DEA officials, generally requires the use of more resources to reach the vulnerable target than does the target of opportunity approach.

### CONCLUSIONS

Immobilizing major drug trafficking organizations requires the use of sophisticated investigative techniques, such as the use of informants, electronic surveillance, and financial data analysis. The top class I cases selected by DEA involved the use of these techniques to a greater degree than the other class I cases we reviewed. The investigative case files we reviewed and the case agents we interviewed indicated that DEA is using these techniques more frequently. Its priority objectives for fiscal year 1983 call for further use of these techniques. Attainment of these objectives should improve the drug law enforcement effort.

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## United States Senate

COMMITTEE ON THE JUDICIARY  
 WASHINGTON, D.C. 20510

May 18, 1981.

Mr. Milton J. Socolar  
 Acting Comptroller General  
 General Accounting Office  
 441 G Street, N.W.  
 Washington, D.C. 20548

Dear Mr. Socolar:

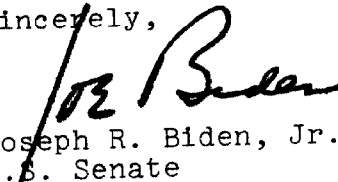
The U.S. drug enforcement policy, as set forth in the Federal Strategy for Drug Abuse and Drug Traffic Prevention, stipulates that Federal investigative agencies should place primary emphasis on immobilizing major drug violator organizations. The extent the Drug Enforcement Administration is focussing on this issue has been a concern of mine for several years.

Accordingly, I would like GAO to initiate a study on DEA's efforts to attack high level traffickers. Topics to be explored should include:

- How has DEA established who the largest traffickers are and is DEA focussing on them?
- Does DEA's violation classification system encourage DEA to focus on the highest level violators?
- What are the investigative methods used in high level investigations and how successful has DEA been?

This material will be very useful if the study can be completed and made available before the Judiciary Committee considers the Department of Justice Authorization for FY-83, next Spring.

Sincerely,

  
 Joseph R. Biden, Jr.  
 U.S. Senate

OBJECTIVES, SCOPE, AND METHODOLOGY

This report discusses DEA's efforts directed toward immobilizing major drug traffickers and their organizations in accordance with the request made by Senator Joseph R. Biden, Jr., on May 18, 1981. The primary objectives in this review were to determine:

- How does DEA determine who the highest level drug traffickers are, and is DEA focussing on them?
- Does DEA's violation classification system encourage DEA to focus on the highest level violators?
- What investigative methods does DEA use in high-level investigations, and how successful has DEA been in immobilizing major traffickers with these techniques?

Subsequent discussions with the Senator's staff lead to the following additional objectives:

- Does DEA's successful cases result in dismantling drug organizations?
- Is DEA's intelligence function providing valuable assistance to case agents?
- Is forfeiture being actively pursued?
- Have case agents perceived a change in DEA activities?

We conducted the review at DEA headquarters in Washington, D.C., and three district offices--New York, Los Angeles, and San Diego. We chose these field locations because they ranked in the top 50 percent of drug trafficking areas in the U.S. Also, prior to DEA's reorganization in 1982, New York and Los Angeles were the core cities for two of DEA's five regional offices. The importance of these three areas was also emphasized when they were selected as the sites for 3 of the 12 new Drug Enforcement Task Forces initiated by President Reagan to bolster federal efforts against major drug traffickers.

Standardized questionnaires were constructed to serve as the basic mechanism for a detailed case analysis on 297 of DEA's class I investigations. Class I investigations are DEA's highest level of investigation from among the four class levels under DEA's Geographic Drug Enforcement Program (G-DEP) system for ranking investigations. Although DEA considers both class I and II violators as major traffickers, our review concentrates on class I violators. DEA has devoted between 52 to 60 percent of

its agent staff hours to this investigative class level since fiscal year 1979. The 297 investigations we analyzed consisted of:

- 247 class I cases closed by the three district offices during fiscal years 1980 and 1981; and
- 50 class I cases which the three district offices selected to represent their best efforts against major traffickers during fiscal years 1980 through 1982. We allowed New York and Los Angeles to select 20 cases each while San Diego was limited to 10 cases because it is a smaller office than the other two.

In initiating our work, we anticipated analyzing the most current investigative efforts by DEA. However, DEA and the Department of Justice gave us access to closed cases only. From the initiation of our audit in June 1981, we were denied access to any documents, reports, and case files relating to open cases. This restrictive access included not only cases under active investigation, but also inactive investigations which were either pending trial, appeals, administrative actions, or involved fugitives. We reached an agreement on April 20, 1982, outlining more workable access procedures which provided sufficient access for us to implement our review.

To supplement the case review, we used a standardized data collection instrument to interview 85 case agents who had been at the three districts since 1979 and had been case agents on class I investigations. We randomly selected 30 agents from both the Los Angeles and New York districts and interviewed all the 25 agents in San Diego who met this criteria. Our objective was to obtain case agents' opinions on whether their districts were performing a better job in arresting and affecting major drug traffickers in 1982 than in 1979. We also interviewed 18 district office supervisors and management personnel to obtain information on DEA field offices' management and operational procedures.

In addition, we interviewed case agents and supervisors who were familiar with the 50 selected cases. In conjunction, we were able to hold discussions with 18 U.S. attorneys who either prosecuted or were very familiar with 35 of the 50 cases. Among these U.S. attorneys were the Chiefs of the Controlled Substance Units for two of the three locations visited--Los Angeles and San Diego. The purpose of these discussions was to obtain U.S. attorneys' perceptions on DEA's overall efforts against major drug traffickers as well as their particular views on the 35 cases.

To obtain an overview of actions directed toward immobilizing major traffickers and their organizations, we examined the following documents:

- DEA's priority objectives for fiscal years 1979 through 1982 which directed field offices to make appropriate management decisions to accomplish the agency's overall objectives.
- The lists of major violators and supporting documentation. This review included the use of DEA's computerized Narcotics and Dangerous Drug Information System (NADDIS) to provide the disposition or status of all violators on the lists. Because of DEA's concern for safeguarding open case information in NADDIS, DEA's intelligence staff performed this work.
- Department of Justice reports, congressional testimony, and prior GAO reports on DEA operations.
- National Narcotics Intelligence Consumers Committee (NNICC) reports providing federally coordinated intelligence on the extent and source of illicit drug trafficking in the U.S.
- Statistics for fiscal years 1980 through 1982 produced by DEA's computerized Offender Based Transaction System (OBTS) including drug arrests, asset seizures and forfeitures, and special agent staff hour reports.
- DEA budget requests, agent's manual, and headquarters' annual assessment of field office work plans and progress reports.

In addition, we held discussions with DEA, Department of Justice, and Department of State officials in the headquarters offices of these agencies in Washington, D.C.

This review was performed in accordance with our generally accepted government auditing standards.

SUMMARY OF INTERVIEWS CONDUCTED WITH  
85 AGENTS IN THE THREE DISTRICT OFFICES  
REGARDING DEA ACTIVITIES--IN 1979 AND IN 1982

<u>QUESTIONS</u>	(To what extent was/were and is/are) <sup>a</sup>	<u>Extent (Percentages)<sup>c</sup></u>					<u>Very great extent</u>
		<u>In year</u>	<u>No extent</u>	<u>Some extent</u>	<u>Moderate extent</u>	<u>Substantial extent</u>	
<u>Resources</u>							
1. Staffing sufficient to handle Class I case work?		1979	7%	22%	39%	26%	6%
		1982	6	29	29	27	9
2. There enough PI/PE <sup>b</sup> money available to adequately investigate class I cases?		1979	6	31	31	26	6
		1982	9	37	26	21	7
3. DEA able to support cases with money and resources to investigate traffickers in foreign countries?		1979	13	36	35	11	5
		1982	9	32	37	13	9
<u>Identification and targeting</u>							
1. DEA effective in identifying the majority of top drug traffickers?		1979	0	18	33	40	9
		1982	0	11	23	55	11
2. District cases targeted on top drug traffickers?		1979	6	21	43	25	5
		1982	1	14	31	40	14
3. The G-DEP system helpful in targeting top drug traffickers?		1979	27	41	19	12	1
		1982	27	40	18	13	2
4. The G-DEP criteria strictly adhered to in assigning class levels to cases?		1979	11	22	28	30	9
		1982	8	22	20	37	13
5. G-DEP classification evaluated for accuracy?		1979	10	23	32	25	10
		1982	7	15	29	34	15
6. The major violator list using for focussing and directing cases?		1979	38	35	14	7	6
		1982	38	32	16	9	5

<sup>a</sup>Each agent was asked to give their responses to these questions using a 5-answer format: to a very great extent, to a substantial extent, to a moderate extent, to some extent, or to no extent. The questions were asked in the following way: To what extent was staffing sufficient to handle your class I case work in 1979, and to what extent is staffing sufficient to handle your class I case work in 1982.

<sup>b</sup>PI/PE refers to money DEA allocates for the purchase of information (PI) and the purchase of evidence (PE).

<sup>c</sup>Figures were rounded to equal 100 percent.



(Percentages)

QUESTIONS	(Percentages)					
	In year	No extent	Some extent	Moderate extent	Substantial extent	Very great extent
1. Cases of the buy-bust type of investigation?	1979 1982	0 5	12 36	19 31	45 16	24 12
2. Pressure put on agents in your district for arrest and seizure statistics which distracts from conducting long term conspiracy investigations?	1979 1982	12 14	10 34	15 20	38 21	25 11
3. Financial investigative work done in cases?	1979 1982	26 2	47 8	22 21	5 39	0 30
4. Criminal forfeiture pursued in cases?	1979 1982	18 3	45 4	22 17	11 33	4 43
5. Civil forfeiture pursued in cases?	1979 1982	14 1	45 5	26 21	10 30	5 43
6. DEA agents in your district capable of conducting financial investigations?	1979 1982	14 0	48 12	26 41	12 41	0 6
7. Adequate use made of CENTAC?	1979 1982	4 5	22 25	40 37	26 25	8 8
8. Adequate use made of mobile task forces?	1979 1982	3 3	32 27	37 39	23 27	5 4
<u>Intelligence</u>						
1. DEA intelligence units helpful in investigations against major traffickers?	1979 1982	13 8	35 24	22 27	24 29	6 12
2. NADDIS data and information accurate?	1979 1982	1 0	15 7	34 32	43 47	7 14
3. NADDIS data and information useful for investigative work?	1979 1982	1 0	13 12	19 11	48 57	19 20
4. NADDIS data and information distorted because of G-DEP requirements?	1979 1982	17 17	30 33	34 36	16 12	3 2
5. Different cases investigating the same or associated suspects?	1979 1982	12 17	40 42	33 26	11 12	4 3
6. DEA bringing together information on related cases to concentrate efforts on top drug traffickers?	1979 1982	4 1	50 20	31 36	14 32	1 11

<u>QUESTIONS</u>	<u>(Percentages)</u>					
	<u>In Year</u>	<u>No extent</u>	<u>Some extent</u>	<u>Moderate extent</u>	<u>Substantial extent</u>	<u>Very great extent</u>
<u>Investigative results</u>						
1. District cases successful in obtaining arrests against top traffickers?	1979	2	20	44	25	9
	1982	0	13	30	48	9
2. Investigations having an impact against top drug traffickers?	1979	3	33	45	15	4
	1982	4	9	42	39	6
3. Investigations having an impact against drug supplies?	1979	16	41	31	11	1
	1982	13	36	39	11	1
<u>Foreign conditions</u>						
1. Top drug traffickers operating in foreign countries?	1979	3	13	12	33	39
	1982	1	9	12	37	41
2. These traffickers reached in investigations?	1979	15	50	23	10	2
	1982	7	37	35	16	5
3. Foreign officials assisting drug traffickers?	1979	0	14	29	42	15
	1982	3	10	30	41	16
4. U.S. officials assisting drug traffickers?	1979	44	51	2	2	0
	1982	45	44	8	3	0
5. Traffickers able to operate in these foreign countries outside the reach of foreign law enforcement?	1979	0	9	13	60	18
	1982	0	7	21	54	18
6. Top drug traffickers in cases using foreign banks to funnel and launder money through?	1979	1	17	22	27	34
	1982	1	4	4	36	55
<u>Cooperative efforts</u>						
1. Cases carried out with the necessary cooperation of other Federal agencies?	1979	8	21	19	40	12
	1982	2	12	22	45	19
2. Cases carried out with the necessary cooperation of State and local agencies?	1979	4	5	19	52	20
	1982	1	4	17	57	21

## APPENDIX IV

## APPENDIX IV

Data Analysis For The  
50 DEA Selected Cases  
From Fiscal Years 1980 Through 1982

General Information

Primary source for opening case			Type of drug under investigation			How drug type and volume in case established		
	Cases	Percent		Cases	Percent		Cases	Percent
Informant	25	50						
Agent undercover operations	0	0	Heroin	23	46	Informant	31	62
Intelligence information	3	6	Cocaine	15	30	Agent	7	14
Selected by DEA district/regional mgt.	0	0	Dangerous Drugs	8	16	Physical evidence	4	8
Selected by DEA headquarters	0	0	PCP	2	4	Other agencies	2	4
DEA drug priority	0	0	Marijuana	1	2	Other	5	10
			Hashish	1	2	Not known	1	2
Referral from:								
-Another DEA district	1	2		50	100%		50	100%
-Another DEA case	8	16		***	***		***	***
-Another federal agency	3	6						
-U.S. Attorney's office	1	2						
-State agency	1	2						
-Local agency	3	6						
-Other	5	10						
	50	100%						
	***	***						

Type of investigation pursued			Primary criminal statute pursued in case		
	Cases	Percent		Cases	Percent
Conspiracy	34	68	Title 21:		
Buy bust	6	12	841 Possession with intent to distribute	20	40
Financial	3	6	843 Use of communication facilities	0	0
Border seizure	1	2	844 Simple possession	0	0
Other	6	12	846 Conspiracy to possess	12	24
	50	100%	848 Continuing Criminal Enterprise	10	20
	***	***	952/960 Importing drugs	3	6
			963 Conspiracy to import	2	4
			Title 18:		
			RICO	2	4
			Other	1	2
				50	100%
				***	***

Types of other agencies assisting in case			Time lapse from opening of case to close of investigation		
Agencies	Number of		Months	Cases Percent	
	Cases	Percent			
DEA and other federal agencies	9	18	0 - 3	0	0
DEA and state and local agencies	8	16	3 - 6	0	0
DEA and both federal and state and local agencies	21	42	6 - 12	1	2
DEA only	12	24	12 - 24	11	22
	50	100%	24 - 48	2	4
	***	***	Over 48	2	4
			Not officially closed	34	68
				50	100%
				***	***

## APPENDIX IV

## APPENDIX IV

Time lapse from opening of case to first U.S. attorney contact			Time lapse from opening of case to first arrest		
Months	Cases	Percent	Months	Cases	Percent
0 - 3	26	52	0 - 3	26	52
3 - 6	0	0	3 - 6	8	16
6 - 12	0	0	6 - 12	7	14
12 - 24	0	0	12 - 24	6	12
24 - 48	1	2	24 - 48	3	6
Over 48	0	0	Over	0	0
Not indicated	23	46			
	50	100%		50	100%
	***	***		***	***

## SUSPECT PROFILES

Class levels of suspects under investigation		
Level	Suspects	Percent
Class I	189	54
Class II	42	12
Class III	112	32
Class IV	7	2
	350	100%
	***	***

Suspect listed positions according to G-DEP submissions (Class I and II)				
	Class I	Class II	Total Number of Suspects	Percent
Head of organization	80	2	82	35
Financier	30	4	34	15
Documented source	24	0	24	10
Laboratory operator	14	2	16	7
Registrant	1	2	3	1
Key conspirator nondrug	0	0	0	0
Head of a structured illicit drug distribution operation	0	0	0	0
Not indicated	40	32	72	31
	189	42	231	99% <sup>a</sup>
	***	***	***	***

## Number of suspects involved in cases

Number of suspects	Cases	Percent
1	4	8
2	2	4
3	5	10
4	8	16
5 or more	31	62
	50	100%
	***	***

Positions suspects performed in drug trade by class levels  
according to case agent

	Class I	Class II	Class III	Class IV	Total Sus- pects	%
Head of organization	41	1	0	0	42	12
Wholesaler	54	18	18	0	90	26
Procurer	20	2	1	0	23	7
Courier	13	4	27	0	44	13
Launderer	11	1	0	0	12	3
Financier	10	0	2	0	12	3
Retailer	10	8	27	6	51	15
Chemist	8	1	2	0	11	3
Transporter	4	1	0	0	5	1
Off loader	1	0	8	0	9	3
Pilot	1	0	2	0	3	1
Security	0	3	4	0	7	2
Counter-surveillance	0	0	2	0	2	0
Navigator	0	0	0	0	0	0
Facilitator-transactions	3	3	5	0	11	3
Not indicated	13	0	14	1	28	8
	189	42	112	7	350	100% <sup>a</sup>
	***	***	***	***	***	***

<sup>a</sup>Due to rounding, figures may equal more or less than 100 percent.

## APPENDIX IV

## APPENDIX IV

Suspects arrested by class level			Suspects with prior arrests			Suspects convicted by class level		
	Suspects	%		Suspects	%		Suspects	%
Class I	176	50%	Class I	67	72%	Class I	138	64%
Class II	34	10	Class II	10	11	Class II	26	12
Class III	91	26	Class III	15	16	Class III	47	22
Class IV	7	2	Class IV	1	1	Class IV	5	2
Not indicated	42	12						
	350	100%		93	100%		216	100%
	***	***		***	***		***	***

## Suspects receiving prison sentences by class level

	Suspects	%	Avg. Yrs.
Class I	126	65%	7.5
Class II	28	14	4.5
Class III	39	20	5.2
Class IV	2	1	.6
	195	100%	
	***	***	

## Suspects receiving probation by class level

	Suspects	%	Avg. Yrs.
Class I	42	53	7.0
Class II	7	9	4.5
Class III	27	34	4.1
Class IV	3	4	3.0
	79	100%	
	***	***	

## Suspects fined by class level

	Suspects	%	Avg. In thousands Of Dollars
Class I	34	85%	40
Class II	3	8	37
Class III	2	5	3
Class IV	1	2	20
	40	100%	
	***	***	

## Suspects who plea bargained

	Suspects	%
Class I	45	58%
Class II	13	17
Class III	16	21
Class IV	3	4
	77	100%
	***	***

## Suspects who received maximum sentences

Level	Suspects	Percent
Class I	8	100
Class II	0	0
Class III	0	0
Class IV	0	0
	8	100%
	***	***

Agents Assessment Of Investigation's  
Impact On Trafficking Organization

Was the top trafficker in case arrested?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	45	90
No	5	10
	50	100%
---	----	

Was the top trafficker prosecuted?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	42	93
No	3	7
	45	100%
---	----	

Was the top trafficker convicted?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	42	100%

Did the conviction of the top trafficker in the case have an effect on the trafficking organization?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	36	86
No	1	2
Uncertain	5	12
	42	100%
---	----	

Was the source of supply permanently eliminated as a result of the top trafficker's conviction?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Eliminated permanently	18	43
Decreased	7	17
No	17	40
	42	100%
---	----	

Were the activities of the organization stopped as a result of the top trafficker's conviction?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Permanently	23	55
Temporarily	11	26
Not at all	8	19
	42	100%
---	----	

Was the top trafficker replaced in the organization after he was convicted?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	8	19
No	28	67
Uncertain	6	14
	42	100%

FINANCIAL INVESTIGATION AND ASSET FORFEITURE

Extent asset available for forfeiture

	<u>Cases</u>	<u>%</u>
Very great extent	7	14
Substantial extent	10	20
Moderate extent	7	14
Some extent	9	18
No extent	14	28
Unknown	3	6
	50	100%
---	----	

Extent financial aspects of case investigated

	<u>Cases</u>	<u>%</u>
Very great extent	9	18
Substantial	9	18
Moderate	13	26
Some extent	7	14
No extent	12	24
	50	100%
---	----	

Extent IRS involved in case

	<u>Cases</u>	<u>%</u>
Very great extent	6	12
Substantial extent	3	6
Moderate extent	4	8
Some extent	9	18
No extent	28	56
	<u>50</u>	<u>100%</u>
	===	===

Asset seizures and forfeitures

<u>Description</u>	<u>Asset</u>			
	<u>Seizures</u>		<u>Forfeitures</u>	
	<u>Number</u>		<u>Number</u>	
	<u>of cases</u>	<u>Percent</u>	<u>of cases</u>	<u>Percent</u>
Number of cases with:	40	80%	36	72%
Total value of items:	\$11,686,708		\$11,283,470	
<u>Types of items</u>	<u>Number</u>		<u>Number</u>	
	<u>of items</u>	<u>Percent</u>	<u>of items</u>	<u>Percent</u>
Vehicles	53	40	43	38
Cash	42	32	37	32
Other personal property	10	8	8	7
Other real property	7	5	7	6
Houses (nonrental)	6	5	6	5
Equipment, supplies	5	4	4	4
Businesses	2	2	2	2
Vessels	1	0	3	3
Aircraft	0	0	0	0
Securities	0	0	0	0
Other	5	4	4	4
	<u>131</u>	<u>100%</u>	<u>114</u>	<u>104%<sup>a</sup></u>
	===	===	===	===

<sup>a</sup>Due to rounding, figures may equal more or less than 100 percent.

Foreign InvolvementDid the top trafficker reside in a foreign country?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	13	26
No	37	74
	50	100%
	===	====

Was the top trafficker an alien?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	15	30
No	35	70
	50	100%
	===	====

Did the top trafficker travel across international boundaries to arrange drug transactions?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	28	56
No	20	40
Uncertain	2	4
	50	100%
	===	====

Did the trafficking organization investigated extend beyond the boundaries of the United States?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	35	70
No	13	26
Uncertain	2	4
	50	100%
	===	====

Were the drug traffickers working with or assisted by foreign officials?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	9	18
No	28	56
Uncertain	13	26
	50	100%
	===	====

Were drugs smuggled on board foreign vessels?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	6	12
No	33	66
Uncertain	11	22
	50	100%
	===	====

Were suspects in the cases fugitives of the United States residing in a foreign country?

<u>Responses</u>	<u>Cases</u>	<u>Percent</u>
Yes	9	18
No	40	80
Uncertain	1	2
	50	100%
	===	====



DATA ANALYSIS FOR  
247 CLOSED CLASS I CASES  
IN THREE DEA DISTRICT OFFICES VISITED  
FISCAL YEARS 1980 AND 1981  
GENERAL INFORMATION

Primary source for opening case

<u>Reason</u>	<u>Cases</u>	<u>Percent</u>
Informant	134	54
Intelligence information	19	8
Agent undercover operations	5	2
Selected by DEA district/regional mgt.	3	1
Selected by DEA headquarters	0	0
DEA drug priority	0	0
Referral from:		
-Another DEA district	15	6
-Another DEA case	10	4
-Another federal agency	14	6
-U.S. Attorney's office	0	0
-State agency	5	2
-Local agency	24	10
-Other	13	5
-Not indicated	5	2
	<u>247</u>	<u>100%</u>

Types of drugs under investigation

<u>Drug</u>	<u>Cases</u>	<u>Percent</u>
Heroin	81	32
Cocaine	75	30
PCP	33	13
Dangerous drugs	31	13
Marijuana	14	6
Hashish	9	4
Not indicated	4	2
	<u>247</u>	<u>100%</u>

How drug type and volume in case established		
<u>Source</u>	<u>Cases</u>	<u>Percent</u>
Informant	115	47
Agent	41	17
Physical evidence	34	14
Other law enforcement units	15	6
Other	16	6
Not indicated	26	11
	<u>247</u>	<u>101%<sup>a</sup></u>

Type of investigation pursued		
<u>Type</u>	<u>Cases</u>	<u>Percent</u>
Conspiracy	117	48
Buy/bust	39	16
Border seizure	3	1
Financial investigation	1	0
Target of opportunity	1	0
Not indicated	86	35
	<u>247</u>	<u>100%</u>

Primary statute pursued in case			
<u>Statute</u>	<u>Description</u>	<u>Cases</u>	<u>Percent</u>
Title 21-841	Possession with intent to distribute	95	38
-843	Use of communication facilities	2	1
-844	Simple possession of controlled substances	2	1
-846	Conspiracy to possess	33	13
-848	Continuing criminal enterprise	3	1
-952/960	Importation of controlled substance	14	6
-963	Conspiracy to import	20	8
Title 18 USC 1961	RICO	1	0
	Other	9	4
	Not indicated	68	28
		<u>247</u>	<u>100%</u>

<sup>a</sup>Due to rounding, figures may equal more or less than 100 percent.

<u>Types of other agencies assisting in case</u>		
<u>Agencies</u>	<u>Cases</u>	<u>Percent</u>
DEA and other federal agencies	24	10
DEA and state and local agencies	81	33
DEA and both federal and state and local agencies	14	6
DEA and foreign agencies	15	6
DEA only	<u>113</u>	<u>45</u>
	<u>247</u>	<u>100%</u>

<u>Time lapse from opening of case to close of investigation</u>		
<u>Months</u>	<u>Cases</u>	<u>Percent</u>
0-3	15	6
3-6	23	9
6-12	44	18
12-24	79	32
24-48	49	20
Over 48	<u>37</u>	<u>15</u>
	<u>247</u>	<u>100%</u>

<u>Time lapse from opening of case to first U.S. attorney contact</u>		
<u>Months</u>	<u>Cases</u>	<u>Percent</u>
0-3	92	37
3-6	7	3
6-12	4	2
12-24	3	1
24-48	1	0
Over 48	0	0
Not indicated	<u>140</u>	<u>57</u>
	<u>247</u>	<u>100%</u>

Time lapse from opening of case to first arrest  
Months Cases Percent

0-3	108	44
3-6	21	9
6-12	14	6
12-24	4	2
24-48	3	1
Over 48	1	0
No arrests	<u>96</u>	<u>39</u>
	<u>247</u>	<u>101%<sup>a</sup></u>

Suspect Profiles

Class level of suspects under investigation  
Level Suspects Percent

Class I	318	48
Class II	59	9
Class III	248	37
Class IV	<u>43</u>	<u>6</u>
	<u>668</u>	<u>100%</u>

Suspects' Listed Position According to G-DEP Submissions

(Class I and II)

<u>Level</u>	<u>Class</u>		<u>Total</u>	
	<u>I</u>	<u>II</u>	<u>suspects</u>	<u>Percent</u>
Head of criminal organization	87	5	92	24
Documented source for Class I	37	3	40	11
Laboratory operator	36	0	36	10
Financier	34	6	40	11
Registrant	4	0	4	1
Key conspirator nondrug	0	0	0	0
Head of structured illicit drug distribution operation	0	0	0	0
Not indicated	<u>120</u>	<u>45</u>	<u>165</u>	<u>44</u>
	<u>318</u>	<u>59</u>	<u>377</u>	<u>101%<sup>a</sup></u>

<sup>a</sup>Due to rounding, figures may equal more or less than 100 percent.

Number of suspects involved in cases

<u>Number of suspects</u>	<u>Cases</u>	<u>Percent</u>
1	92	39
2	40	17
3	32	13
4	25	11
5 or more	49	20
	<u>238<sup>a</sup></u>	<u>100%</u>

<sup>a</sup>Information on the number of suspects under investigation were not in the case files for nine cases.

Suspects arrested by class level

<u>Level</u>	<u>Suspects</u>	<u>Percent</u>
Class I	203	44
Class II	46	10
Class III	194	42
Class IV	20	4
	<u>463</u>	<u>100%</u>

Suspects with prior drug arrests

<u>Level</u>	<u>Suspects</u>	<u>Percent</u>
Class I	114	65
Class II	21	12
Class III	38	22
Class IV	2	1
	<u>175</u>	<u>100%</u>

Suspects convicted by class level

<u>Level</u>	<u>Suspects</u>	<u>Percent</u>
Class I	140	48
Class II	31	11
Class III	116	40
Class IV	3	1
	<u>290</u>	<u>100%</u>

Suspects receiving prison sentences by class level

<u>Level</u>	<u>Suspects</u>	<u>Percent</u>	<u>Average in years</u>
Class I	125	54	4.7
Class II	25	11	3.3
Class III	78	34	3.4
Class IV	<u>3</u>	<u>1</u>	.8
	<u>231</u>	<u>100%</u>	

Suspects receiving probation by class level

<u>Level</u>	<u>Suspects</u>	<u>Percent</u>	<u>Average in Years</u>
Class I	81	47	4.6
Class II	22	13	4.3
Class III	66	39	3.8
Class IV	<u>2</u>	<u>1</u>	3.0
	<u>171</u>	<u>100%</u>	

Suspects fined by class level

<u>Level</u>	<u>Suspects</u>	<u>Percent</u>	<u>Average in thousands of dollars</u>
Class I	19	66	\$ 13.2
Class II	2	7	277.5
Class III	8	28	4.7
Class IV	<u>0</u>	<u>0</u>	0
	<u>29</u>	<u>101%<sup>a</sup></u>	

Suspects who plea bargained

<u>Level</u>	<u>Suspects</u>	<u>Percent</u>
Class I	41	53
Class II	12	15
Class III	23	29
Class IV	<u>2</u>	<u>3</u>
	<u>78</u>	<u>100%</u>

<sup>a</sup>Due to rounding, figures may equal more or less than 100 percent.

Suspects who received maximum sentences

<u>Level</u>	<u>Suspects</u>	<u>Percent</u>
Class I	9	75
Class II	1	8
Class III	2	17
Class IV	<u>0</u>	<u>0</u>
	<u>12</u>	<u>100%</u>

Data On Top Traffickers In Cases

Was the top trafficker arrested?

<u>Response</u>	<u>Suspects</u>	<u>Percent</u>
Yes	117	47
No	<u>130</u>	<u>53</u>
	<u>247</u>	<u>100%</u>

Was the top trafficker prosecuted?

<u>Response</u>	<u>Suspects</u>	<u>Percent</u>
Yes	97	83
No	<u>20</u>	<u>17</u>
	<u>117</u>	<u>100%</u>

Was the top trafficker convicted?

<u>Response</u>	<u>Suspects</u>	<u>Percent</u>
Yes	96	99
No	<u>1</u>	<u>1</u>
	<u>97</u>	<u>100%</u>

Financial Investigation And Asset Forfeiture

<u>Extent assets available for forfeiture</u>		
<u>Extent scale</u>	<u>Number of cases</u>	<u>Percent</u>
Very great	12	5
Substantial	2	1
Moderate	6	2
Some	20	8
No extent	11	4
Not indicated	196	79
Total	247	99% <sup>a</sup>

<u>Extent financial aspects of case investigated</u>		
<u>Extent scale</u>	<u>Number of cases</u>	<u>Percent</u>
Very great	1	0
Substantial	2	1
Moderate	1	0
Some	3	1
No extent	190	77
Not indicated	50	20
Total	247	99% <sup>a</sup>

<u>Asset seizures and forfeitures</u>				
<u>Description</u>	<u>Seizures</u>		<u>Forfeitures</u>	
	<u>Number of cases</u>	<u>Percent</u>	<u>Number of cases</u>	<u>Percent</u>
Number of cases with:	50	20%	38	15%
Total value of items:	\$1,143,127		\$729,523	
<u>Types of Items</u>	<u>Items</u>	<u>Percent</u>	<u>Items</u>	<u>Percent</u>
Vehicles	66	22	38	15
Cash	53	17	37	15
Equipment, supplies	23	7	25	10
Other real property	22	7	17	7
Vessels	20	7	17	7
Aircraft	20	7	18	7
Other personal property	20	7	19	8
Houses (nonrental)	17	6	17	7
Businesses	17	6	17	7
Securities	17	6	17	7
Other	28	9	24	10
Totals	303	101% <sup>a</sup>	246	100%

<sup>a</sup>Due to rounding, figures may equal more or less than 100 percent.



Foreign Involvement

Was the top trafficker an alien?

<u>Response</u>	<u>Suspects</u>	<u>Percent</u>
Yes	56	23
No	173	70
Uncertain	<u>18</u>	<u>7</u>
	<u>247</u>	<u>100%</u>

Did the top trafficker reside in a foreign country?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	40	16
No	181	73
Uncertain	<u>26</u>	<u>11</u>
	<u>247</u>	<u>100%</u>

Did the top trafficker travel across international borders to arrange drug transactions?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	75	30
No	138	56
Uncertain	<u>34</u>	<u>14</u>
	<u>247</u>	<u>100%</u>

Did the drug trafficking network extend beyond the boundaries of the U.S.?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	116	47
No	114	46
Uncertain	<u>17</u>	<u>7</u>
	<u>247</u>	<u>100%</u>

Were the drug traffickers working with or assisted by foreign officials?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	13	5
No	218	88
Uncertain	<u>16</u>	<u>6</u>
	<u>247</u>	<u>99%<sup>a</sup></u>

Were drugs being smuggled on board foreign vessels?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	20	8
No	207	84
Uncertain	<u>20</u>	<u>8</u>
	<u>247</u>	<u>100%</u>

Were any suspects in this case fugitives of the U.S. residing in a foreign country?

<u>Response</u>	<u>Cases</u>	<u>Percent</u>
Yes	16	6
No	221	89
Uncertain	<u>10</u>	<u>4</u>
	<u>247</u>	<u>99%<sup>a</sup></u>

<sup>a</sup>Due to rounding, figures may equal more or less than 100 percent.

Domestic Drug Violator Classification  
Standards And Criteria

Class I - Two class 1 criteria are required except for the key conspirator non-drug (see 6222.5C). One criterion must be quantitative (criterion a) and one must be qualitative (criteria b, c, d, e, or f).

Class II - Except for the key conspirator, nondrug (see 6222.5C), two class 2 criteria or one criterion each in class 1 and class 2 are required. One criterion must be quantitative and one must be qualitative (i.e., either criteria a and h, or criterion g and one criterion from b, c, d, e, or f).

Class III - One class 3 criterion is required (criterion i). Violators meeting the quantitative criteria for class 1 or class 2 (criteria a and g) will be designated class 3 in the absence of an appropriate qualitative criterion.

Class IV - All others.

Quantitative Criteria

Sale, seizure, or other evidence sufficiently corroborated to show that the individual has been manufacturing, smuggling into the United States, or distributing within the United States one of the following minimum quantities of drugs within a 1-month time frame:

Number to be entered in item 40 of DEA-202	Drug involved	CRITERION a (Class I)	CRITERION g (Class II)	CRITERION i (Class III)
1	Heroin (100% pure or equivalent)	2 kilos	500 grams	125 kilos
2	Cocaine (100% pure or equivalent)	4 kilos	1 kilo	250 kilos
3	Morphine base	2 kilos	500 grams	125 grams
4	Opium	20 kilos	5 kilos	1 kilo
5	Any combination of other Schedule I, II, III, IV controlled drugs	200,000 d.u.	50,000 d.u.	10,000 d.u.
7	Marijuana	2,000 kilos	1,000 kilos	500 kilos
8	Hashish	100 kilos	50 kilos	25 kilos
9	Hashish oil	2 liters	1 liter	1/2 liter

Qualitative CriteriaClass ICriterion b - Laboratory operatorCriterion e - RegistrantCriterion c - Head of criminal organizationCriterion f - Documented source of supply for another class I violator under the same drug classCriterion d - FinancierClass IIClass I and IICriterion b - Head of structured illicit drug organizationCriterion j Key conspirator, non-drug



## U.S. Department of Justice

February 2, 1984

Washington, D.C. 20530

Mr. William J. Anderson  
Director  
General Government Division  
United States General Accounting Office  
Washington, D.C. 20548

Dear Mr. Anderson:

This letter responds to your request to the Attorney General for the comments of the Department of Justice (Department) on your proposed report to the Congress entitled "Investigations of Major Drug Trafficking Organizations."

The Department is pleased with the recognition given the Drug Enforcement Administration (DEA) for its improved efforts to immobilize major drug trafficking organizations. Also, the favorable comments offered by the General Accounting Office (GAO) regarding DEA's use of more sophisticated and successful investigative techniques, as well as the steps being taken to further integrate DEA's investigative activities, are gratifying.

The report recommends that DEA's drug violator classification system be revised to provide a separate category for persons managing continuing criminal enterprises. Since a key purpose of the system is to maintain a consistent standard of comparison for investigative activity over a period of years, the proposed refinement is a good one and is being incorporated into the system.

In this regard, we note that the first full paragraph of Chapter 2 of the draft report provides figures for total indictments under the Continuing Criminal Enterprise Statute during 1981 and 1982. These figures appear to relate to the total number of cases filed and not individual defendants charged under the statute. It would be more meaningful to provide both sets of figures, since one measure of success in targeting major organizations is the number of defendants charged in a given set of cases.

We recognize that the scope of GAO's work in this report was intentionally limited to a review of the efforts DEA directed toward immobilizing domestic drug traffickers and their organizations. This restricted scope serves to explain why there is no lengthy discussion of the significant developments

we believe contributed to DEA's overall success in combating major drug traffickers. For example, no mention is made of the cooperative roles of the prosecutors in this overall effort, either as participants during the investigative stages of the cases or in the prosecution of the cases, which is a condition we considered critical to the development of a large number of the important cases. We believe that many of the significant cases made in the past several years, particularly continuing criminal enterprise cases, have been partly the result of prosecutors and agents working more cooperatively than they have in the past. This is especially true in the investigative stage of the grand jury, when efforts are directed to obtaining evidence of financial transactions of drug traffickers and their organizations. The commitment of many of the U.S. Attorneys' offices in this regard has been substantial, and this kind of cooperative effort of DEA agents working with prosecutors is a positive development which we deem important to immobilizing drug trafficking organizations.

Similarly, little mention is made of DEA's cooperative efforts with agencies like the Internal Revenue Service and the U.S. Customs Service in the investigation of major drug trafficking organizations, especially those investigations which have identified assets worth millions of dollars that were eventually seized and forfeited. We believe this cooperative multi-agency approach has been beneficial in those instances where it has been utilized. Recognizing that this kind of cooperation has played a part in DEA's success in many cases may serve to encourage broader cooperation in the future.

Although GAO's report does make reference to the Federal Bureau of Investigation's (FBI) concurrent jurisdiction for drug investigations with DEA, and to the increased use of electronic surveillance, it does not capture the impact of the FBI's cooperative role in working with DEA. Through fiscal year 1983, the FBI's growth and involvement in narcotics investigations has been significant. As of October 1, 1983, the FBI was involved in 1,614 narcotics and dangerous drug cases. This is in contrast to approximately 100 narcotics-related investigations in January 1982, 12 of which were being worked jointly with DEA. The total number of investigations being conducted in conjunction with DEA as of October 1, 1983, was 598, and the number of FBI agents dedicated to narcotics matters increased from slightly more than 100 agents in January 1982, to over 875 as of October 1983. The number of cases and agents provides only a partial picture regarding the impact of the FBI's relationship with DEA. In fiscal year 1983, the number of FBI Title III electronic surveillance applications numbered 155. DEA worked jointly with the FBI in 47 of those applications. As a matter of record, DEA's 1983 priority objectives recognize the significance of electronic surveillance in obtaining key evidence and providing leads to additional traffickers and organizations.

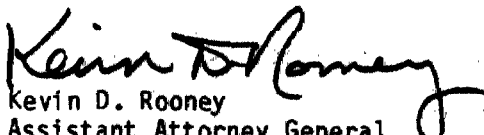
The report also does not provide sufficient insight regarding the extent of training, intelligence collection, and coordination of investigations being handled by DEA and the FBI. The mutual efforts of DEA and the FBI have brought unprecedented coordination in directing resources against La Cosa Nostra's extensive involvement in heroin importation, and against the operation of outlaw motorcycle gangs throughout the United

States in the manufacture and distribution of methamphetamines, PCP (phencyclidine) and other controlled substances. These types of investigations have uncovered instances of corruption of both public and law enforcement officials. Investigative techniques including electronic intercept, physical surveillance, long term undercover operations and tracking of financial assets have produced highly beneficial results for DEA and the FBI in their joint investigative efforts.

While the Department recognizes that the focus of GAO's work in this report was intended to be narrow in scope, we believe the additional information we have presented might help demonstrate how various cooperative efforts have truly increased the effectiveness of DEA's work over the past few years.

It is our pleasure to be given the opportunity to respond to your report while in draft form.

Sincerely,

  
Kevin D. Rooney  
Assistant Attorney General  
for Administration

(186690)





1. The first part of the document is a list of names and addresses of the members of the committee.

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